

RESPONSES TO QUESTIONS FOR THE RECORD

Senate Committee on the Judiciary Subcommittee on Privacy, Technology, and the Law Hearing: “From the Courtroom to Congress: Why Landmark Social Media Verdicts Demand Federal Action to Protect Kids Online”

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The following responses to the committee’s questions for the record draw on the trial record in *KGM v. Meta Platforms, Inc.* and the parallel record in *State of New Mexico ex rel. Torrez v. Meta Platforms, Inc.* — two proceedings that, together, surfaced internal Meta research, communications, and sworn testimony bearing directly on the questions this Committee is examining. I am grateful for the opportunity to share that record with you.

Response #1

Both *KGM* and *State of New Mexico* revealed a sustained and documented pattern in which Meta’s internal research, surveys, communications, and data directly contradicted the company’s public statements to parents, regulators, and Congress.

The starkest illustration of this pattern is found not in mid-level employee communications, but in the sworn testimony of Meta’s Chief Executive Officer. On at least three subjects central to this Committee’s inquiry, Mr. Zuckerberg’s statements to Congress are squarely contradicted by Meta’s own internal documents. Further, I have included discussion on what Meta has communicated to the public versus what evidence exists internally. These contradictions establish that the gap between Meta’s public assurances and its internal knowledge runs all the way to the top of the company. To the extent publicly disclosable, the most significant instances include the following:

Inconsistency #1: “Children under the age of 13 are not allowed on Instagram.”

When asked directly by Representative Castor in 2021 whether there were children under 13 on Instagram, Mr. Zuckerberg answered: “Congresswoman, children under the age of 13 are not allowed on Instagram.” 03/25/2021 Cong. Hearing, at 105. He reiterated in 2024 that “we don’t allow people under the age of 13 on our service. So if we find anyone who’s under the age of 13, we remove them from our service.” “We’re not going to be able to count how many people there are because, fundamentally, if we identify that someone is underage, we’ve removed them from the service.” 01/31/2024 Cong. Hearing, at 43.

The internal reality is that millions of children were using Meta’s platform, and Meta was not enforcing their so-called rule.

- **KGM Ex. 582:** Meta’s own internal 2018 document estimated 4 million children under 13 were on Instagram in 2015, representing 30 percent of all 10-to-12-year-olds in the United States. Critically, Meta didn’t even collect birthdates until December 2019, and that only applied to new users. KGM Trial Transcript 2/18/26,

2606:13-21. A child like Kaley who joined in 2015 at age 9 was never asked her age in order to join the platform.

- **KGM Ex. 61:** Internal Meta email from 2019 acknowledged: “Our lack of proactive action on detecting under-13 accounts undermines our credibility.”
- **KGM Ex. 9:** Another internal email 2020 stated “the fact we say we don’t allow under-13s on our platforms, yet have no way of enforcing it, is just indefensible.”
- **KGM Ex. 47:** Nick Clegg wrote to Zuckerberg in 2019 that “[t]he fact that we have age limits which are unenforced, unenforceable, and that there are, as I understand it, important differences in the stringency of our policies on Instagram versus Blue App, make it difficult to claim we’re doing all we can.” *Note: The “Blue App” is Facebook.*

Inconsistency #2: Meta “doesn’t give goals around increasing time spent.”

Mr. Zuckerberg told Congress that it is “a common misconception” that his teams have goals to increase time spent: “I don’t give our Instagram teams goals around increasing the amount of time that people spend.” 03/25/2021 Cong. Hearing, at 69.

In 2020, he stated: “[w]e certainly do not want our products to be addictive...So, for example, we don’t give the team that’s running newsfeed a goal around how much time people spend on our products which goes to counter a lot of the--the memes and misinformation out there on how we operate...I don’t think that company should be optimizing to just encourage people to spend as much time as possible on them.” 11/17/2020 Congressional Hearing.

However, the trial evidence showed the opposite, in his own words, and at his own direction. Teen time spent was in fact a company stated goal.

- **KGM Ex. 338:** Mr. Zuckerberg’s own December 2015 email sent under the subject line “First Half 2016 Company Goals,” listed “Time spent increases by 12 percent” as a goal, with a five-year arc targeting a 10 percent increase specifically for Instagram.
- **KGM Ex. 1247:** A 2014 email from Zuckerberg stated: “The most concerning one to me is time spent”... “if we think we’re doing the right things to drive time spent and the number still isn’t increasing much, that suggests our thesis on how we expect people to broadly spend time and use different apps could be wrong...of course the other goals are all important as well, but this is the one that threatens our core narrative the most”
- **KGM Ex. 85:** A 2017 internal document sent following a briefing to Zuckerberg directly stated: “Mark has decided the top priority for the company in 2017 is teens” and set the “overall company goal” as “total teen time spent.”

- **KGM Ex. 1334:** Adam Mosseri’s own 2022 self-review listed as his personal goal ensuring the app remained culturally relevant “as measured by sessions, time, and sharing, particularly with teens,” noting Reels had driven time to “all-time highs at around 41.9 minutes per DAU globally.”
- **KGM Ex. 1378:** Meta’s internal milestone document set escalating time-on-platform targets: 40 minutes per daily active user in 2023, rising to 46 minutes by 2026.

Inconsistency #3: “The existing body of scientific work has not shown a cause or link between social media and young people having worse mental health outcomes.”

In 2021, Mr. Zuckerberg told Congress that “overall, the research that we have seen is that using social apps to connect with other people can have positive mental health benefits and well-being benefits by helping people feel more connected and less lonely.” 03/25/2021 Congressional Hearing, P. 21.

Later in 2024, he stated “the existing body of scientific work has not shown a cause or a link between using social media and young people having worse mental health outcomes.” 01/31/2024 Cong. Hearing, at 11.

The internal reality is that Meta’s own documents catalogued “known” harms and overruled its own experts.

- **KGM Ex. 30:** Meta’s own internal document titled “Youth Empathy Framing,” listed the following under “Known Negative Effects of Facebook and/or Social Media in General on Teens”: increased sleep disruption, cognitive and physical development harms, body image pressure, anxiety, and depression — with the word “known” used explicitly.
- **KGM Ex. 42:** Meta’s own commissioned research, a document titled “Teen Mental Health: Creatures of Habit” from 2019, found that teens described having “an addict’s narrative” about Instagram use: “It can make them feel good, it can make them feel bad, they wish they could spend less time caring about it, but they can’t help themselves.” The same document stated: “Teens are hooked, despite how it makes them feel.” Time spent was identified as “one of the worst aspects of teens’ relationship to the platform.”
- **NM Trial, Zuckerberg Deposition 299:14–304:20, Ex. 41/42:** Internal emails showed Mr. Zuckerberg was presented with three options regarding plastic surgery filters on Instagram, which his own team had temporarily banned in October 2019 due to “potential negative wellbeing impacts (especially on minors).” Twenty-one independent experts consulted by Meta concluded these filters “can have severe impacts” and that “children are particularly vulnerable.” Mr. Zuckerberg chose Option 2: lifting the ban while removing the filters from recommendation, despite the option being flagged in Meta’s own memo as carrying a “notable wellbeing risk.”

- **KGM Ex. 12:** Meta’s own Responsible Innovation team leader M--- G--- S--- [redacted for privacy], a parent of a daughter hospitalized twice for body dysmorphia, emailed Zuckerberg directly urging him not to lift the filter ban, writing: “I don’t think it’s the right call given the risks...I was hoping we could maintain a moderately protective stance here given the risk to minors.” Mr. Zuckerberg overruled her and lifted the ban.
- **BEEF Survey (Bad Experiences and Encounters Framework):** Conducted internally by whistleblower Arturo Béjar and his team in 2021, the BEEF survey asked nearly 240,000 Instagram users about 22 categories of harm. The results established that a majority of teen users reported experiencing serious harms within the prior seven days — including unwanted sexual advances, bullying, and exposure to self-harm content. Mr. Béjar testified to these findings in *KGM*. See KGM Trial Tr. (Bejar), Mar. 5, 2026.
- **KGM Ex. 80:** One internal Meta study, named “Project MYST”, measured “low attentiveness”, Meta’s internal proxy for problematic, dissociative use. The study compared parent and teen self-reports across platforms, demonstrating that Meta possessed granular, platform-specific data on compulsive use patterns it never disclosed publicly. Critically, Meta’s own data showed **that digital supervision and caregiving activities, such as following teens on social media, monitoring their accounts, and setting rules, had no association with teens’ own feelings of attentiveness or self-control.** In other words, parental supervision tools do not make teens feel more in control of their use. When Meta’s researchers looked at teens’ actual on-platform behavior, they found that **teens with more potentially problematic Instagram activity had parents who were more actively supervising them.** Teens whose parents said they monitored their social media accounts had higher composite scores for potentially problematic Instagram use and spent more total time on the platform. Teens whose parents said they followed them on social media also spent more time on the platform and had more sessions. This finding fundamentally undermines the “parental responsibility” framing Meta has offered Congress and state legislatures as an alternative to platform-level regulation.

Inconsistency #4: Grooming and inappropriate adult-minor contact is low.

Meta’s public-facing safety reporting relies on a “prevalence” methodology that produces extraordinarily small percentages — figures the company cites to reassure parents and regulators that child-safety harms are statistically negligible. However, internal records prove otherwise:

- **Ex. 185:** Through at least the end of 2023, Meta knew that approximately **80% of inappropriate adult-minor contacts on Instagram flowed through the “People You May Know” recommendation surface**, a Meta-designed product feature. See *In re Social Media Adolescent Addiction/Personal Injury Products Liability Litigation*, No. 4:22-md-03047-YGR, Document 2480, at 53-54 (N.D. Cal. Nov. 21, 2025). In this internal Meta chat, an employee states that “people lie, and we know that’ s quite prevalent... [e]specially groomers - they lie to bypass our detection and

even help them find minors.” The exchange continues with another employee questioning whether Meta considered a feature that only allows you to be messaged by someone that follows you. The response is: “We have, and IGWB even explored private by default for teens but the growth impact was too high and the decision was to explore more nuanced and less blunt solutions. Which is how we got here!”

- The New Mexico Attorney General’s complaint, developed from unsealed Meta documents, established that an internal 2021 Meta presentation estimated **approximately 100,000 children received online sexual harassment per day** on Meta’s platforms.

Response #2 & 3

Questions 2 and 3 are best answered together because the litigation record demonstrates both *why* fully independent transparency mechanisms are needed and *what they would accomplish* for families.

Meta Has the Data. Meta Hides the Data.

The testimony of John Chandler in KGM established the sheer scale of Meta’s internal data infrastructure and the precision with which Meta deploys it. Chandler confirmed that Meta operates on the same fundamental revenue formula as its competitors—a formula built on “people, how much time they’re spending, how many ads you can show them and what you can charge.” KGM Trial Tr., Feb. 19, 2026, at 2520:9-13. That formula depends on Meta’s capacity to measure user behavior at granular scale: “watch time,” “slots monetized within that watch time,” *id.* at 2518:1-9. Young users are especially valuable in this calculus. As Chandler explained, teens “stay on the platform longer than older people, and they create more data that can be used for ad targeting, which drives up the ad rate.” *Id.* at 2523:16-19. Meta deploys this data with extraordinary precision to maximize what it calls Lifetime Value, or LTV — a calculation described as measuring “how valuable any individual is to the business over the course of their life with the business.” *Id.* at 2334:3-5.

That precision is, by Meta’s own admission, best-in-class. Brian Boland, a former Meta employee and whistleblower, testified that Meta’s “data around age and gender was the best in the industry,” with no competitor able to match “our accuracy on age and gender.” *Id.* at 2365:4-9. Meta determines user age through “an array of different methods,” including “self-declared data” and “learned data, or predictive data, where, based on the activities and interactions that people have on the platform, [Meta] can predict their age.” *Id.* at 2363:9-15. Yet, when the question turns from selling ads to children to keeping children off the platform, Meta’s capability vanishes. Internal documents reviewed by Chandler revealed that “Instagram didn’t really know the ages of about 30 percent of their users,” and that “Meta doesn’t have a good understanding of how many young people are on the platform, and there are data scientists at Meta complaining about these age models.” KGM Trial Tr., Feb. 25, 2026, at 3132:7–10; *id.* at 3116:9-13. The revenue data Meta produced in discovery confirmed the pattern — it contained “glaring gaps” and “did not acknowledge any revenue from youth under 13, [even though] we know that there are millions of kids on the platforms receiving ads.” *Id.* at 3116:1-7.

The reason for the gap between Meta’s advertising capability and its safety capability is not technical, it is financial. As Chandler confirmed, ads served to users whose ages Meta does not verify “can be sold for a higher rate, so more money,” giving Meta an affirmative “motive... not to be asking ages of the users.” *Id.* at 3132:3-11. Perhaps one of the most important questions during Brian Boland’s direct examination was as follows: “[i]f Meta’s features can accurately identify a 13-year-old’s age to sell them sneakers, can they identify them to protect them from addictive features?” KGM Trial Tr., Feb. 19, 2026, at 2365:14-16. Meta’s answer, written in its conduct rather than its words, is no.

The same data infrastructure Meta uses to optimize advertising revenue against adolescent attention could, if disclosed, resolve the public health questions Congress has been asking for years.

Why Fully Independent Transparency Mechanisms Are Necessary

The reason these documents are now public is because of subpoena power. Absent that, the evidence would remain hidden. That certainly is not a sustainable model for child safety.

Independent transparency mechanisms are necessary precisely because the platforms have demonstrated, over and over, that they will not voluntarily disclose what their own data shows. When the choice is between disclosing harmful findings and protecting commercial interests, Meta has consistently chosen the latter. That is why the civil justice system’s discovery process is vital to help protect the public.

Further, it is crucial that any person entity responsible for conducting studies of social media and its impact on minors be entirely independent from social media companies, both from an organizational and financial perspective. What the evidence uncovered by subpoena power revealed is that social media companies directly profit from the same tactic found to be harmful to minors: maximizing time spent online. Thus, with significant profit at risk, I have little doubt that social media companies will do everything possible to influence any “independent” studies on which parents and policymakers will rely through financial and other pressure mechanisms with which corporations of significant size wield power.

Response #4

The trial records in both *KGM* and *New Mexico* offer a window into the challenges and barriers current and former Meta employees face when they choose to come forward. The experiences of whistleblower Brian Boland and Arturo Béjar perfectly illustrate the pattern.

The Internal Response

Brian Boland and Arturo Béjar both tried to raise child-safety concerns through legitimate internal channels while at Meta. Each of their attempts were met with institutional silence and non-prioritization.

Arturo Béjar led online-safety efforts while at Meta. He escalated documented findings of harms to teens at “staggering rates” up the chain of command, ultimately landing on the desk of Mark Zuckerberg himself because he understood that nothing inside Meta would

change without CEO-level prioritization. KGM Trial Tr., Mar. 5, 2026, at 4800; 4865–4866. Zuckerberg did not respond. *Id.* at 4801.

Béjar told Congress “[t]he way they respond to problems often makes those problems worse, because it normalizes harmful behavior and encourages unwanted contact and content. In addition, the way companies talk about these problems to regulators, policy makers, and the general public is seriously misleading.” Written Testimony of Arturo Bejar before the Subcommittee on Privacy, Technology, and the Law, November 7, 2023. For example, the BEEF survey revealed that 13% of Instagram users aged 13 to 15 reported receiving unwanted sexual advances on the platform within the previous seven days and 19.2% were exposed to nudity. NM Trial Tr., Feb. 10, 2026, at 1630:15–23. These are figures Meta possessed internally but never disclosed in its public-facing Community Standards Enforcement Reports, which instead reported “prevalence” rates of a fraction of one percent. Béjar testified in *KGM* that this gap between Meta’s internal data and its public messaging was “profoundly misleading of everybody else in the world who was being impacted by all of these issues.” KGM Trial Tr., Mar. 5, 2026, at 4870.

His decision to escalate publicly was the direct result of this internal failure. As he testified, “when you work in an area, you’re as good as your leadership empowers you to do what’s right to deal with harm. And that’s not what I was experiencing, which is why I did what I did.” KGM Trial Tr., Mar. 5, 2026, at 4865.

Brian Boland is an eleven-year Meta veteran who rose to Vice President at Meta. He left the company over the gap between what Meta promised externally and what it did internally. KGM Trial Tr., Feb. 19, 2026, at 2305. Leaving cost him personally and financially. Boland confirmed the same institutional signal: in his entire tenure, Zuckerberg never called a company-wide “lockdown” for child safety, teen addiction, or any related harm — though he did so for mobile strategy and for competing with Google. When Boland raised his concerns directly with Meta leadership, the response was silence: “That’s the last I ever heard from [Zuckerberg].” KGM Trial Tr., Feb. 19, 2026, at 2383.

That is the internal pressure environment whistleblowers at Meta operate within – a culture in which safety advocates are structurally out resourced, institutionally signaled as non-priority, and met with silence when they escalate.

The Institutional Culture That Made Internal Advocacy Futile

What Boland and Béjar describe from the inside is corroborated in real time by Meta’s own internal communications. A contemporaneous chat from Meta employee Mr. Otaru captures the institutional culture in candid terms: “[p]lease lock the document down,” followed by the complaint that “in between litigation regulation, Senate judiciary committee, and advisors, we are spending an unsustainable amount of time outside of our core job function in product to try to mitigate these external pressures.” NM Trial Tr. at 11161-62.

This is the internal voice of a company that views congressional oversight, child-safety litigation, and state attorney general investigations as distractions from its “core job function” and not as legitimate accountability for documented harms to children. For an internal advocate like Boland or Béjar, raising child-safety concerns in that environment was not a path to corporate engagement; it was, by the company’s own framing, a drag on the real work.

The Cross-Examination Pressure After They Came Forward

Once these witnesses chose to testify publicly, they were subjected to targeted cross-examination designed to re-characterize their motives.

Béjar was pressed with questions designed to suggest he was commercially motivated. His answers were unequivocal. He has received no payment for sharing his knowledge about Meta with the public, has no book deal, and did not receive compensation for his testimony. When pressed why he was even there, he answered: “I’ve dedicated a good chunk of my life to ... kids and safety and creating online safe environments for them. And I deeply believe that this is the best way I can do that right now.” KGM Trial Tr., Mar. 5, 2026, at 4806.

Meta worked to paint Boland in a negative light, suggesting that because he went public under his own name, he was somehow less credible. Defense counsel asked why he didn’t give his New York Times quotes anonymously. Boland explained “I believe voice is important, and I sometimes feel that when you read unattributed quotes, that it’s hard to gauge the seriousness of what people are saying when they’re concerned about a company and when they’re raising issues. And I felt it was important to put myself on the line, to stand behind criticisms and concerns that I felt were societally important.” KGM Trial Tr. at 2383.

What This Reveals About Whistleblower Integrity and the Cost of Coming Forward

Arturo Béjar and Brian Boland’s willingness to testify cost them professional relationships, exposed them to coordinated reputational attacks, and required them to relive years of internal frustration in open court.

The trial record makes clear that internal escalation goes nowhere, institutional culture treats accountability as a distraction, departure carries real personal and financial costs, and cross-examination by defendant’s subject whistleblowers like Béjar and Boland to personal attacks not rooted in fact.