

United States 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”*

*May 13, 2026*

**Testimony of Rachel Lanier**

Managing Attorney, The Lanier Law Firm — Los Angeles

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**I. Introduction**

Chairwoman Blackburn, Ranking Member Klobuchar, and distinguished Members of the Committee: thank you for the opportunity to submit this written statement for the record.

My name is Rachel Lanier. I am a trial lawyer and Managing Attorney of The Lanier Law Firm’s Los Angeles office. I had the privilege of trying *KGM v. Meta and Google* (the first social media addiction case ever decided by an American jury) alongside my father Mark Lanier, my sister Sarah Lanier, and our trial team. The jury rendered a verdict in favor of our client. This written statement expands upon my oral testimony and provides the evidentiary record this Committee should have before it as it considers legislation.

If I may, I would like to focus this statement on three critical points:

- Children’s brains are being hijacked, and big tech built it that way by design.
- The companies knew children were being hurt, and they chose profits over safety.
- This Committee has the power to act, and how you act matters enormously.

**II. Children’s Brains Are Being Hijacked, And Big Tech Built It That Way By Design**

Children are the future of America. Children’s brains are being fundamentally altered by these companies, and not for the better. Meta, Google, and others operate in what they call the “attention economy.” Social media’s entire business model depends on keeping your child’s eyes on their apps as long as possible, because attention means advertising revenue.

These companies are incentivized by profit, not to protect children. They are incentivized to addict children young and keep them hooked. Section 230, a law written in 1996, at a time before social media even existed, gives these companies a free pass from legal accountability for hurting children by design.

Let me be clear about the double problem we face: these companies are deliberately building and operating features that addict children and keep them engaged as long as possible, and with Section 230, they face minimal legal responsibility for the design decisions that target, manipulate, and

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exploit young minds while they are there. That is a national health crisis for the youth of our country.

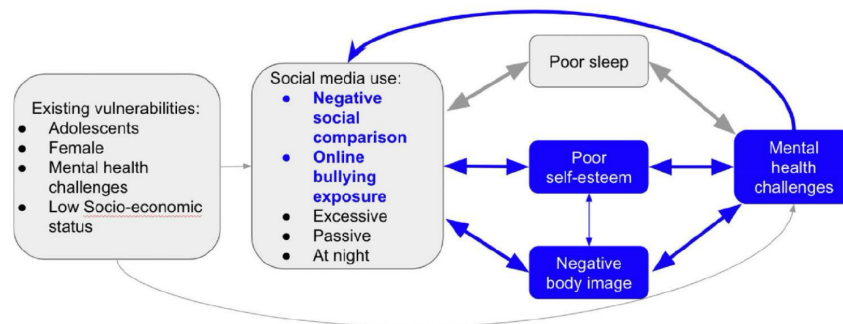
### The Feedback Loop of Harm

The trial evidence revealed a well-documented feedback loop between social media use and mental health harm to children. Internal research showed that the companies understood precisely which populations were most at risk and why.

► *Exhibit Reference: Internal Diagram: Social Media Use and Mental Health Feedback Loop (Undated)*

EXHIBIT  
EX. 00005

**Populations are most at risk for developing mental health challenges when they are also more likely to have unhealthy social media use.**  
These behaviors and challenges can develop into a feedback loop.



Adapted from [Narrative Summary: Digital Technology & Youth Social/Emotional Health](#) (CP WB)

*EX. 00005.00001 — Meta internal diagram showing the feedback loop between social media use and mental health harm, identifying adolescents, females, those with mental health challenges, and low socio-economic status as highest-risk populations.*

As the internal research depicted in the above makes clear, the populations most at risk for developing mental health challenges are the same populations most likely to develop unhealthy social media use patterns. Those vulnerabilities include:

- Adolescence: a period of heightened neurological susceptibility
- Females: girls are disproportionately harmed by social comparison and body image features
- Pre-existing mental health challenges
- Low socio-economic status

Social media use (particularly negative social comparison, online bullying exposure, excessive passive use, and nighttime use) drives poor self-esteem and negative body image, which in turn drives mental health challenges, which in turn increases the likelihood of more unhealthy social media use. These companies' own internal materials acknowledged this cycle. They continued to build features that exploit it.

These platforms cause documented neurological effects in developing children, forever altering the neural pathways of young brains. Time on these platforms causes tremendous mental health

harm to children, including addiction, depression, anxiety, eating disorders and suicide. This is supported by extensive research, including some of the companies' own internal studies.

### **Engineered to Addict**

Our client, Kaley, started using YouTube at age six and Instagram at age nine. By the time she was a teenager, she was struggling with depression, body dysmorphia, and suicidal ideation. She is not alone. She is one of millions of young people currently suffering so tech companies can profit.

What happened to Kaley is unfortunately not an isolated tragedy. There are currently thousands of personal injury cases consolidated in federal multidistrict litigation in the Northern District of California, and hundreds of additional claims brought by school districts across this country. These are parents, children, teachers, and entire communities saying the same thing that a Los Angeles jury just confirmed: something is very wrong, and these companies are responsible. Those cases represent real harm done to your constituents' communities.

What the evidence at trial revealed is that by design, these platforms were deliberately engineered to hijack the brain's reward systems:

- Infinite scroll: removing natural stopping points to extend session length
- Algorithmic feeds: optimized not for quality or safety, but for engagement and watch time
- Push notifications: timed to pull children back in at vulnerable moments

These are just some of the features built to maximize the time spent on the app, because more time means more advertising revenue and data harvesting.

► *Exhibit Reference: Email Chain Re: Notes from iOS Creator App Review (June 7, 2012)*

#### **Value prop**

- Question about how to make the value of the app clearer
- Stabilize and color corrections are subtle
- Suggestion to do something to make the improvements more obvious
- Perhaps a side-by-side preview? (as we do on web)
- Maybe show the amount of shakiness?
- Perhaps an animation, as in [Andrew's mocks](#)
- Socialcam & Viddy should not be the model this app is based on; they don't get it right except for more FB usage
- Goal is not viewership, it's viewer addiction

*EX. 04504.00001 — An internal email chain from 2012 highlights YouTube's internal goal — "not viewership, it's viewer addiction[.]"*

► *Exhibit Reference: YouTube Main App Internal Presentation (Feb. 4, 2016)*

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**Vision**  
We aspire to create an app that is...

**Best in class** Viewers should prefer to watch videos in our app even if they're available elsewhere, and they should consider our recommendations superior to those they find elsewhere

**Robust** Our app should set and constantly raise the standard for reliability and snappiness throughout the entire experience

**Innovative** We should introduce delightful new features big and small before other apps do. We value rapid-fire experimentation and taking risks by trying new things we're not sure about

**Cohesive** All user journeys should be intuitive and effortless, and the level of quality is always consistent throughout the app

**Addictive** Our app experience should compel users to come back more and more often

**Polished** Unparalleled UI is all about details, and no detail is too small to get right. We are proud perfectionists, and we hold other teams to the same standard

*To be refined through XFN team offsites - Product Excellence; Product Playbook*

EX. 04502.00011 – This internal YouTube/Google presentation is a Feb. 2016 product “deep dive” by the YouTube Main App team. The goal is explicitly clear: “We aspire to be an app that is...Addictive”, further “[o]ur app experience should compel users to come back more and more often.” This is not casual language.

Google explicitly laid out their means to achieve to this “addiction” goal: increasing watch time. In 2012, YouTube established a “Big Hairy Audacious Goal” to reach one billion hours of daily watch time (up from 175 million hours at the time). This would require growth rates of 45% to 56% year-over-year to meet that target. (Ex. 6497.00007).

► *Exhibit Reference: Google Internal Viewers All Hands Presentation (Mar. 18, 2013)*



In scaled font and graphics size, if today's YT traffic is on the left, the goal we are shooting for will look like that on the right. Added for dramatic effect.

EX. 06497.00004 — YouTube internal slide proclaims the “Big Hairy Audacious Goal” – with current rates at time as 175 million hours/day.



In scaled font and graphics size, if today's YT traffic is on the left, the goal we are shooting for will look like that on the right. Added for dramatic effect.

EX. 06497.00005 — YouTube internal slide stating the target: 1 billion hours/day by 2016.

The company became laser-focused on a single metric: watch time. The mission and metrics were oriented entirely around increasing daily active viewership and watch time per visit. These were engineering choices made to serve a growth target of one billion hours per day. The children using these products were not customers. They were the product.

**The Viewer Big Rocks Exercise**

Theme:

- Increase number of daily users, F (or DAU/MAU)
- Continue to increase Watch time per visit (E) as daily users increase

		U	F	E
<b>Increase Daily Usage (F)</b>	X-Device Consistency	↑	↑	
	Bring more users in, and back		↑	↑
	Setup users into ideal state		↑	
	Make YouTube Faster		↑	↑
	Make YT more current	↑	↑	
<b>Increase Watch Time Per Visit (E)</b>	Autoplay, Queueing, Resume			↑
	Support vertical modes like kids, music	↑		↑
	Make our house channels awesome			↑
	Autoplay, Queueing, Resume			↑
	Fix our home channel			↑

Google Co. Noam: PTAL

Google | YouTube

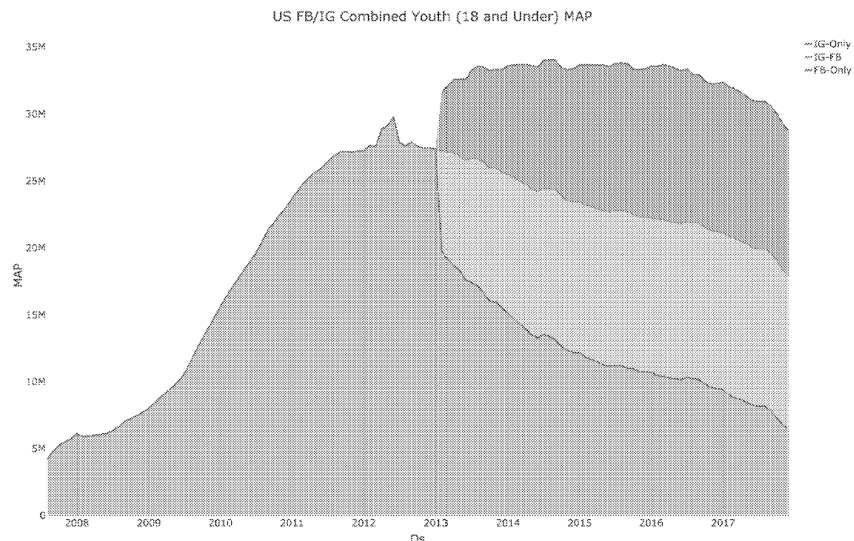
EX. 06497.00010 — The “Big Rocks” initiative: organized around increasing daily active users and watch time per visit, with autoplay, queueing, and resume as explicit engagement-maximizing features.

### III. The Companies Knew Children Were Being Hurt, and They Chose Profits Over Safety

Mark Zuckerberg testified before this body and told you that children under 13 are not allowed on his platforms. Our trial revealed that as of 2015, Meta’s own internal estimates showed over four million children under the age of 13 were on Instagram (roughly 30% of all 10-to-12-year-olds this country). Instagram didn’t even ask for a user’s age until far too late. Meta’s internal documents literally say “if we want to win big with teens, we must bring them in as tweens.”

► **Exhibit Reference: Meta H2/H1 2018 Youth Team Review (2018)**

- In the US, using a new age affinity model specially developed for IG, we currently estimate there are 22.7M teens who are MAP. This is up from 11.4M estimated by the original lifestage model. The main driver for this step-change was the creation of a model for IG users that don't connect their account to FB. We learned that only 40% of teens have their IG account connected to FB, while adults have 77% of account connected.
- Looking at people we predict to be 13 and 14 today, we can estimate that there were 4M people under 13 in 2015 on IG. This represents around 30% of all 10-12 years old in the US. Finally, assuming similar numbers today, 75% of US teens are MAP on IG.

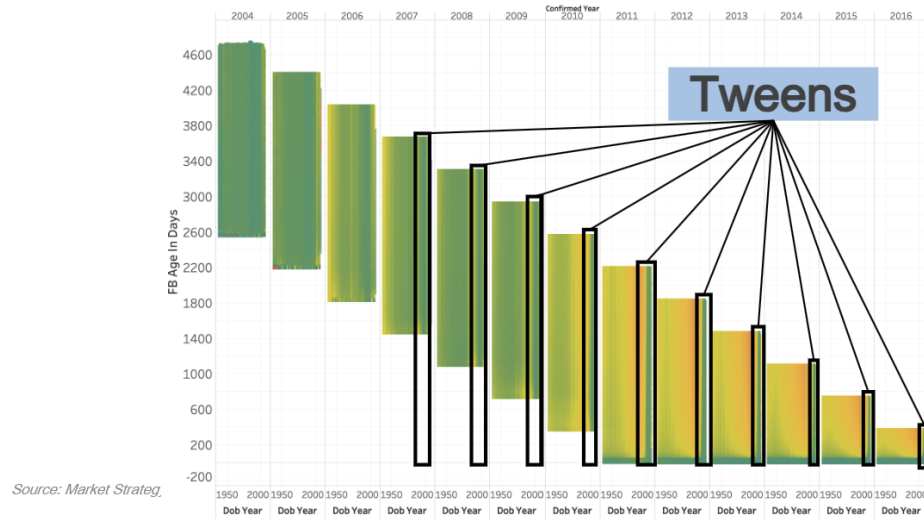


EX. 00582.00005 — Meta H2 Summary highlights the “State of the world with teens.”

Indeed, Meta’s internal documents show that they knew to establish long term retention of users and therefore maximize profits for the company, they must captivate users from a young age. But not just at any young age, Meta wanted the *tweens*.

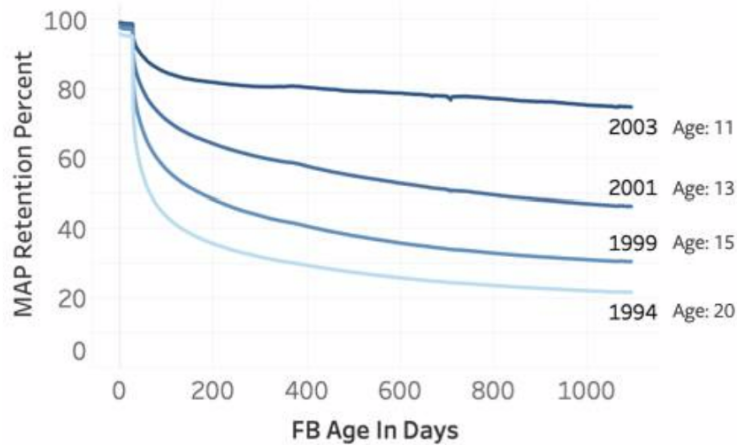
► **Exhibit Reference: Meta M&A and Market Landscape Review: Long Term Retention and its Implications (Dec. 13, 2018)**

## We have definitively established tweens as the highest retention age group in the United States



EX. 00033.00005 — Meta long term retention overview – tweens having the highest retention age group in the U.S.

To give you a sense of scale, people who joined Facebook at 11 years old have almost 4X the LTR of those who joined as 20 year-olds



Source: Market Strategy Analysis

EX. 00033.00006 — Users joining FB at 11YO have almost 4x LT (long-term retention) of those joining at 20YO.

## If we want to win big with teens, we must bring them in as tweens

Source: Market Strategy Analysis

7

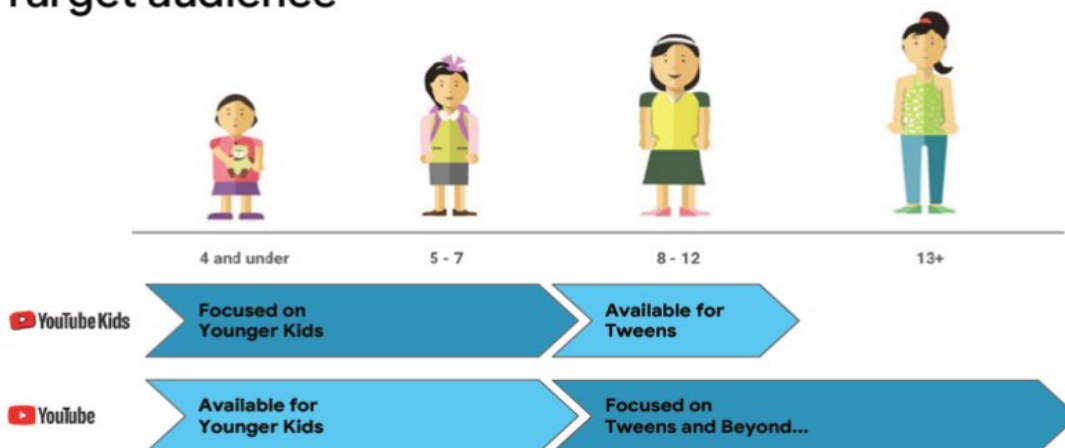
EX. 00033.00008 — Meta identifies their goal of bringing in “tweens.”

YouTube is no different. We saw that YouTube is intentionally targeting our youth. YouTube Kids is “Focused on Younger Kids” (ages 4–7) and “Available for Tweens” (ages 8–12). Main YouTube is “Available for Younger Kids” (4–7) and “Focused on Tweens and Beyond” (8+). The arrows make the pipeline explicit: children begin on YouTube Kids and are transitioned to main YouTube as they enter the tween years.

► *Exhibit Reference: YouTube Kids Strategic Onsite (Aug. 21, 2019)*

### Vision & objectives

## Target audience



EX. 04542.00007 – YouTube target audience listing YouTube main (which you must be over 13 to use) as available for kids of the age 4 and under yet focused on those 8 years old plus.

### Age Enforcement: Known, Deferred, and Deliberately Obstructed

The internal evidence around age enforcement at Meta is particularly damning. In February 2020, senior executives were still debating internally whether to even build the technical capacity to enforce age limits.

► *Exhibit Reference: Internal Meta Email Titled “Age Management Decisions” (Feb. 2020)*

EXHIBIT  
EX. 00009

Message

**From:** [REDACTED] [/O=THEFACEBOOK/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=[REDACTED]]  
**Sent:** 2/4/2020 7:55:14 AM  
**To:** Nick Clegg ([REDACTED]@fb.com)  
**Subject:** Re: Age Management Decisions  
**Attachments:** image001.png; image002.png

Hi Nick

On 1, I feel strongly that this work needs to go ahead, for a number of reasons:

- The fact we say we don't allow under-13s on our platforms, yet have no way of enforcing it, is just indefensible.
- We know there are harms associated with pre-teen use of social media (including the evidence that Jon Haidt showed us on IG).
- The UK situation can't be ignored – the age appropriate code is subject to an implementation period but will be enforced from autumn 2021, and it requires us to have a means of identifying under-13s. If we don't act, we will presumably face fines and – which I imagine is more damaging – a legal presumption will kick in that to all users of FB should be treated as children by default, in the absence of age-specific restrictions. Other countries may be lagging behind, but will copy the UK very quickly.
- Advertisers will exert increasing pressure, spurred on by further stories and investigative journalism about young kids on our services.
- The E2E move will put a spotlight on all of this. See e.g. the principles that NCMEC are publishing this week which includes a demand that children should be exempted from E2E services.
- Establishing a working AI model will help to head off calls for collection of state-issued IDs, which would be far more damaging if made mandatory across our services.
- So there are both moral and practical reasons to resist the argument that we should just wait for legislation to force us to do this.
- It is not explained anywhere in the papers what other work product would have to deprioritize in order to do this, so I take their position with a pinch of salt.

On 2, I agree with the recommendation. If you look at the 'decision memo' that is linked to and go to the appendix, you will see the tests that product previously ran based on our guidance that they could run experiments using "are you 13" questions. The mock-ups are very clearly neutral (no highlighted 'preferred option'). The latest proposed tests however are clearly trying to lead users to click the 'right answer', which is something we have been under a lot of scrutiny on and have been trying to phase out across our services (the 'dark design patterns' work that [REDACTED] has been leading). That might not matter so much when the question is "do you want to receive email updates from us", but when the question determines whether a child under the age of 13 could use our services or not, then we will open ourselves to criticism.

[REDACTED]

*EX. 00009.00001 — Internal Meta email from Feb. 4, 2020 to Nick Clegg re: age management decisions, acknowledging the company had “no way of enforcing” its under-13 policy and describing the position as “just indefensible.”*

The above is an internal Meta email chain from February 2020, involving Nick Clegg (then VP of Global Affairs) and senior policy and product leadership. The email presents two decision questions:

- **Issue 1:** Should Meta proactively enforce its under-13 policy by building AI capacity to detect age falsification?
- **Issue 2:** Should Meta allow its Growth team to test age-gate designs that use color to “steer” users toward answering “yes” to the question “Are you 13?”

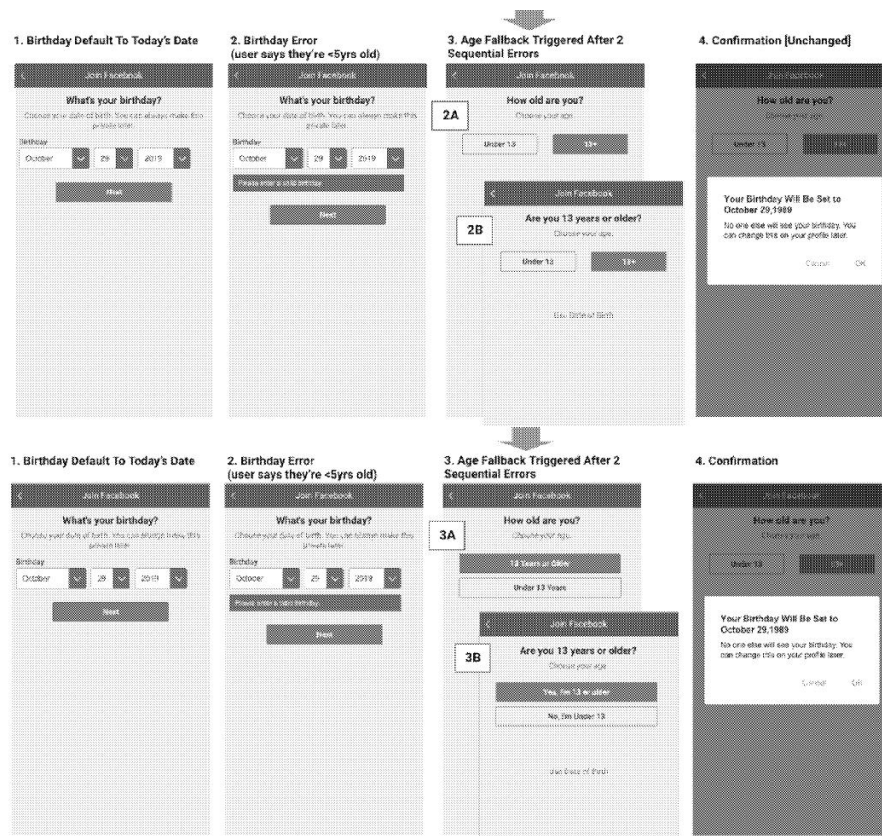
On Issue 1, the author wrote with notable candor that the company’s position was “just indefensible”: the company said it did not allow under-13s on its platforms yet had no way of enforcing it. The email further acknowledged: “We know there are harms associated with pre-teen use of social media (including the evidence that Jon Haidt showed us on IG).”

The internal response to these harms was not urgency. The product organization objected to prioritizing age enforcement, arguing there were “other issues that are more important” and that it was “not feasible to staff this without compromising in another area.” The recommendation was that if leadership decided not to push forward, “the product organization would not prioritize this proactive work until we’re legally required to do it.”

On Issue 2, the recommendation was to reject the Growth team’s proposed age-gate designs, because using color to steer toward the “right answer” was “too far from neutral” and would

“undermine our ability to say that the age gate is meaningfully protecting against underage users joining FB/IG.” In other words, the concern was not child safety; it was legal exposure.

► **Exhibit Reference: Age-Gate Registration Flow Mock-Ups (Feb. 2020)**



Thanks so much for your guidance on these points.

EX. 00009.00004 — Internal Meta mock-ups of age-gate registration flows showing design variants that used color and layout to guide underage users toward falsely affirming they were 13 or older.

The email includes mock-up screenshots of the registration flow that Meta was testing: flows that were explicitly designed to make it easier for children to falsely claim to be 13. The internal policy team recommended against these designs not out of concern for children, but to preserve legal defensibility.

**Cosmetic Surgery AR Filters and Body Image Harm to Minors**

Instagram has voluminous “beauty” filters that impact especially teenage girls’ body image.

Meta maintained an internal debate over cosmetic surgery augmented reality (AR) filters: a feature that allowed users to see themselves with altered facial and body features replicating the results of cosmetic surgery procedures. These filters were temporarily banned in October 2019 following expert and press concerns about potential negative wellbeing impacts, especially on minors.

► **Exhibit Reference: Internal Meta Email: Pre-read on Cosmetic Surgery AR Effects (May 2020)**

EXHIBIT  
EX. 00012

Message

**From:** Margaret [REDACTED] (/O=THEFACEBOOK/OU=EXTERNAL (FYDIBOHF2SSPDLT)/CN=RECIPIENTS/CN=[REDACTED])  
**Sent:** 5/12/2020 9:38:13 PM  
**To:** Mark Zuckerberg [REDACTED]; Sheryl Sandberg [REDACTED]; Mike Schroepfer [REDACTED]; Monika Bickert [REDACTED]; Nick Clegg [REDACTED]  
**Subject:** Re: Pre-read on Cosmetic Surgery AR Effects (next Thursday)

- some

Hey there, thanks for getting back to us on this. I respect your call on this and I'll support it, but want to just say for the record that I don't think it's the right call given the risks.

As a parent of two teenage girls - one of whom has been hospitalized twice in part for body dysmorphia - I can tell you the pressure on them and their peers coming through social media is intense with respect to body image. I recognize that my family situation makes me somewhat biased but it also gives me first hand knowledge that most of the people looking at this issue don't have. There won't be hard data to prove causal harm for many years, if ever, but I was hoping we could maintain a moderately protective stance here given the risk to minors.

I know these are difficult tradeoffs. I don't minimize the concerns about restricting voice and the internationalization angle. I just hope that years from now we will look back and feel good about the decision we made here.

I wanted to take a moment to express my disagreement even as we move to implement this decision. Thanks for listening.

Margaret [REDACTED]  
 VP of Product Design  
 Facebook, Inc

**From:** Mark Zuckerberg [REDACTED]  
**Sent:** Friday, May 8, 2020 2:28 PM  
**To:** Sue [REDACTED]; Nick Clegg [REDACTED]; Monika Bickert [REDACTED]; Naomi Gleit [REDACTED]; Andy [REDACTED]; Mike Schroepfer [REDACTED]; Javier Olivan [REDACTED]; Andrew Bosworth [REDACTED]; Stan Chudnovsky [REDACTED]; Adam Mosseri [REDACTED]; Will Cathcart [REDACTED]; Fidji Simo [REDACTED]; Alex Schultz [REDACTED]; Pratiti [REDACTED]; Raychoudhury [REDACTED]; Joel Kaplan [REDACTED]; Margaret [REDACTED]; John [REDACTED]; Elisabeth [REDACTED]; Sheryl Sandberg [REDACTED]  
**Cc:** Shirley [REDACTED]; Ashley [REDACTED]; mzprereads [REDACTED]  
**Subject:** Re: Pre-read on Cosmetic Surgery AR Effects (next Thursday)

I'm supportive of moving forward with option 2 (lifting restrictions but not promoting on IG). I don't think this is urgent to resolve, so I'm certainly willing to take a longer path to roll this out if it will help us land it better. I don't have strong opinions on other implementation details so I'll leave you to figure those out.

**From:** Sue [REDACTED]  
**Sent:** Thursday, April 16, 2020 6:28 PM

*EX. 00012.00001 — Email from Facebook VP of Product Design to Mark Zuckerberg registering dissent over the decision to lift the ban on cosmetic surgery AR effects, citing her own daughter's hospitalization for body dysmorphia.*

The above is a May 2020 internal email chain involving Mark Zuckerberg, Sheryl Sandberg, Nick Clegg, Monika Bickert, and Mike Schroepfer debating whether to lift, modify, or continue the ban. Mark Zuckerberg wrote that he was “supportive of moving forward with option 2 (lifting restrictions but not promoting on IG),” adding that he did “not have strong opinions on other implementation details.”

Margaret, identified as VP of Product Design, wrote directly to Zuckerberg to register her dissent for the record:

“As a parent of two teenage girls - one of whom has been hospitalized twice in part for body dysmorphia - I can tell you the pressure on them and their peers coming through social media is intense with respect to body image. I recognize that my family situation makes me somewhat biased but it also gives me first hand knowledge that most of the people looking at this issue don't have. There won't be hard data to prove causal harm for many years, if ever, but I was hoping we could maintain a moderately protective stance here given the risk to minors.”

Her dissent was noted. The ban was lifted. The feature was restored.

This is the pattern throughout the internal record: employees raised concerns, those concerns were overruled, and growth continued.

### The Algorithm Was Optimizing for Addiction

Perhaps the most striking internal document produced at trial was a Meta internal chat from October 2023 in which Meta employees candidly discussed what the company’s recommendation algorithm was actually doing.

► *Exhibit Reference: Internal Meta Chat Re: Algorithmic Optimization (Oct. 2023)*

**EXHIBIT**  
**EX. 00091**

Message

**From:** [REDACTED] [/O=THEFACEBOOK/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=[REDACTED]]  
**Sent:** 10/25/2023 2:33:22 AM  
**To:** [REDACTED]@meta.com; [REDACTED]@meta.com  
**Subject:** Message summary [{"otherUserFbId":100021478472088,"threadFbId":null}]  
**Attachments:** 395904239\_1571448040326703\_7256468352372961683\_n.png; California-v-Meta-complaint.pdf; 395664739\_712304456952550\_8315227145069148601\_n.png; 396040808\_393873692974528\_8150676540219452764\_n.png; 395412074\_285748414366445\_6618436928385208323\_n.png

[REDACTED] (10/24/2023 09:39:53 PDT):  
>again I have to ask... Are the compliance people  
I am? <https://www.nytimes.com/2023/10/24/technology/>

[REDACTED] (10/24/2023 09:40:09 PDT):

## PRIV

[REDACTED] (10/24/2023 09:40:20 PDT):  
>I am asking the same question.

[REDACTED] (10/24/2023 09:40:56 PDT):  
>does [REDACTED] realize how the core algo is set up? Like it's literally just mathematically optimizing for  
vpps and sessions \*for teens\* as with everyone else, which is the thing we're being told we cannot do...

[REDACTED] (10/24/2023 09:41:09 PDT):  
>So my answer is: something is going missing in translation because this is our press response.  
>we share the attorneys general's commitment to providing teens with safe, positive experiences online,  
and have already introduced over 30 tools to support teens and their families. we're disappointed that  
instead of working productively with companies across the industry to create clear, age-appropriate  
standards for the many apps teens use, the attorneys general have chosen this path.

[REDACTED] (10/24/2023 09:41:20 PDT):  
>Like nobody is asking us to build 30 tools.

[REDACTED] (10/24/2023 09:41:26 PDT):  
>right?

[REDACTED] (10/24/2023 09:41:34 PDT):  
>I had the exact same reaction this morning

[REDACTED] (10/24/2023 09:41:40 PDT):  
>who asked you to build 30 tools

[REDACTED] (10/24/2023 09:41:41 PDT):  
>nobody

[REDACTED] (10/24/2023 09:41:46 PDT):  
>I dunno why we're doing cartwheels to avoid doing the thing we're actually being asked to do \*which we  
can easily do at very little topline cost!\*

[REDACTED] (10/24/2023 09:42:12 PDT):  
>it's really puzzling [REDACTED] IDK what to say.

[REDACTED] (10/24/2023 09:42:24 PDT):  
>I'm trying to find out now what stupidity happened in the 1 day i was out sick yesterday.

[REDACTED] (10/24/2023 09:47:40 PDT):  
>How is [REDACTED] keep her out of IG these days if you can.

[REDACTED] (10/24/2023 09:48:26 PDT):  
>she's more of a tiktok girly

[REDACTED] (10/24/2023 09:48:41 PDT):  
>ok not as bad.

[REDACTED] (10/24/2023 09:48:51 PDT):

*EX. 00091.00001 — Internal Meta group chat from Oct. 24, 2023, in which employees acknowledge the core recommendation algorithm is optimizing teen engagement for teens the same way it does for all users — contrary to the company’s public messaging about teen safety tools.*

The above captures an internal Meta group chat in which employees reacted to news of state attorneys general filing suit against the company. One employee wrote: “does [name redacted] realize how the core algo is set up? Like it’s literally just mathematically optimizing for vpps and sessions \*for teens\* as with everyone else, which is the thing we’re being told we cannot do...”

Another employee responded: “Like nobody is asking us to build 30 tools.” Another: “who asked you to build 30 tools.” Response: “nobody.”

Meta employees questioned why the company was “doing cartwheels to avoid doing the thing” they were actually being asked to do which they could allegedly “at very little topline cost!”

Meta’s own communications are explicit: “IG is a drug... We’re basically pushers.” One employee even expressed that Adam Mosseri, Head of Instagram, “freaked out” when they talked about dopamine in their fundamental leads review.

Similarly, Google internally compared their products to slot machines. In a 2015 internal presentation titled “A Call to Minimize & Respect Users’ Attention,” Google’s own in-house design ethicist, Tristan Harris, identified “Intermittent Variable Rewards” (the same psychological mechanism that makes slot machines so addictive) as a core vulnerability that technology products were deliberately exploiting. As Harris explained internally, unpredictable rewards, such as a like that may or may not appear, or a comment that might be waiting, are the most addictive and the hardest to stop, precisely because they operate on the same variable-ratio reinforcement schedule used by casino slot machines.

Harris warned his colleagues that the same psychological mechanism that makes slot machines so profitable was being baked into the design of Google’s products, which he called “attention casinos.”

► *Exhibit Reference: Google Slideshow – “A Call to Minimize Distraction & Respect Users’ Attention” (2015)*



**Vulnerability #2:  
Intermittent Variable Rewards  
(aka Slot Machines)**

Google Confidential and Proprietary

EX. 06498.00053

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Google

1. We need to acknowledge that **humans are vulnerable to certain biases**



EX. 06498.00038

Google

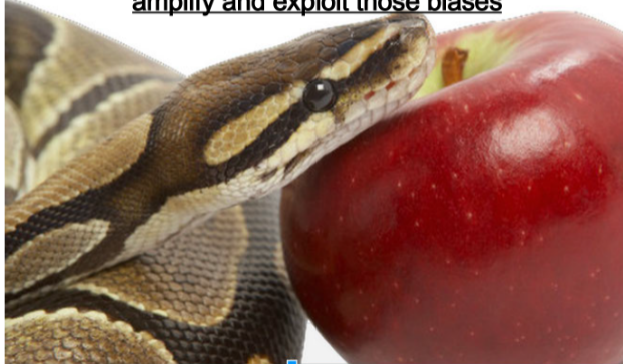
2. Those **vulnerabilities can be amplified or exploited...**



EX. 06498.00039

Google

3. ...and the **products we make can amplify and exploit those biases**



EX. 06498.00040

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EX. 06498.00054



EX. 06498.00061

*EX.06498.00038,53-54,61 – Internal PPT from 2015 created by Tristan Harris, Google’s in-house ethicist, titled “A Call to Minimize & Respect Users’ Attention.” Harris discusses the concerns of making the world more distracted and highlights the vulnerabilities of humans, including Intermittent Variable Rewards, aka, “slot machines” that are “the most addictive and the hardest to stop[.]”*

The executives at these companies had the research, they saw the harms, and they made choices to keep building features that they knew were addictive to children rather than take meaningful steps to keep kids off their platforms.

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### **The Whistleblowers: Company Insiders Who Testified Under Oath**

It is worth noting that some of the most powerful evidence in cases like this came from within these companies themselves. Former employees who care have come forward at great personal and professional risk because they could not stay silent about what they were seeing. These whistleblowers are people of conscience who watched their employers choose profit over the safety of children and decided that was not something they could live with. Their courage has been indispensable to this litigation.

Two former senior Meta insiders took the stand and testified against the company under oath at trial. Their testimony is among the most powerful in the trial record.

#### **Arturo Bejar: Former Engineering Director, Instagram Safety**

Arturo Bejar was Meta’s own hand-picked expert on safety: one of fewer than ten people in the world, by Meta’s own internal assessment, qualified to lead Instagram’s well-being engineering. Meta specifically recruited him for the role, describing it as requiring “world-class” expertise in understanding user harm and designing engineering solutions.

Under oath, Bejar testified that he personally brought evidence of harm, “really good data” showing harm occurring at “staggering rates”, directly to Adam Mosseri, Sheryl Sandberg, and Mark Zuckerberg himself. Zuckerberg did not respond. When asked whether that response was satisfactory, Bejar testified simply: “He didn’t respond.”

Bejar also testified that Meta’s leadership, in his direct observation, prioritized growth over safety; that Meta’s safety tools were not effective at protecting children: “Consistently”; that Meta was not transparent with Congress or the public; and that Meta had the technological ability to build effective AI-powered safety systems using the data Instagram already collected on every user, but did not build them.

Bejar is not a plaintiff’s expert hired for litigation. He is the person Meta itself identified as one of the top safety engineers in the world, brought in specifically to fix the problem. His testimony that Zuckerberg did not respond, and that growth was consistently prioritized over safety is the company’s own conscience on the witness stand.

#### **Brian Boland: Former Vice President, Facebook (11-Year Veteran)**

Boland spent eleven years at Meta, rising to Vice President. He later published a public statement describing why he left and testified as a whistleblower. He confirmed his written words still reflect his beliefs: that Facebook’s priorities were growth and power, not the safety or well-being of its users, and that the company’s stated mission of “bringing the world closer together” was, in practice, little more than a marketing slogan.

Boland was asked directly: in his eleven years, did Mark Zuckerberg ever call a “lockdown” (the mechanism by which Zuckerberg communicates what matters most to the entire company) for user safety? For teen addiction? For any of the harms being litigated at trial? The answer, each time: no. Not once. In eleven years. Zuckerberg called lockdowns for mobile strategy. He called one for competing with Google. He never called one for child safety.

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Boland also testified that Meta could have placed warnings on users when their usage patterns indicated risk, could have used its AI to identify and intervene with at-risk teens, and could have tuned the algorithm away from maximizing engagement. It did not do any of these things.

### **Additional Trial Admissions the Committee Should Have**

On age enforcement: the Age Management Decisions email (Exhibit 9) was read into the record verbatim. It stated that Meta knew there were “harms associated with pre-teen use of social media, including the evidence that Jon Haidt showed us on Instagram.” Jon Haidt, the social psychologist whose research on social media and adolescent mental health has been presented to this body, had personally presented his findings directly to Meta’s senior leadership. That research was sitting in internal emails the same year the company was assuring Congress that children were protected.

On age data: a separate internal Meta document admitted at trial stated that Instagram only started collecting age data in December 2019. Instagram launched in 2010. For nearly a decade, the platform collected no age data whatsoever. Every representation that it was enforcing an age limit before that date was built on a foundation of no data at all.

On “finstas” (the fake Instagram accounts used by teens to hide activity from parents): KGM’s trial exposed internal Meta documents showing the company not only knew about finstas but built an internal growth team specifically for them. The company’s response to learning that teens were using fake accounts to circumvent parental controls was to assign a team to grow their use.

An internal Meta exhibit (Exhibit 26) introduced at trial showed that eighth graders who use social media ten or more hours per week are 56% more likely to be unhappy, and that the risk of unhappiness due to social media use is highest for the youngest teens. This research was compiled and presented internally.

Finally, the personal self-review of Instagram’s head, Adam Mosseri (Exhibit 1334), from the second half of 2022 while this litigation was active shows that his primary goal was ensuring the app remained “culturally relevant as measured by sessions time and sharing, particularly with teens.” His stretch goal was to surpass TikTok in time spent worldwide. The document established that Instagram had driven daily viewing time on Reels to all-time highs. This is what Instagram’s leadership was tracking and celebrating at the same time that the company was publicly claiming to prioritize teen safety.

## **IV. This Committee Has the Power to Act, And How You Act Matters Enormously**

Our founders built a system of justice that puts the power of accountability in the hands of everyday Americans. A jury of twelve ordinary people just used that system to tell two of the most powerful companies in the world that what they did to children is not acceptable.

The courtroom is one of the most powerful tools we have to force accountability when there is wrongdoing. It was litigation that unlocked these internal documents. The exhibits described in this statement were not voluntarily disclosed. They were produced under compulsion of discovery and admitted into evidence at trial.

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## **Do Not Strip Away the Accountability Tools That Work**

I urge this Committee: do not take that tool away. Any legislation (whether the Kids Online Safety Act, bills that reform Section 230, place guardrails on AI chatbots, or other technology bills) must set a floor, not a ceiling, for the standard of protection. Congress can and should establish minimum standards. But state laws, tort claims, and consumer protections that go further must also be preserved.

I urge you to not let any preemptive statutory language, however well-intentioned, become the mechanism by which these companies escape accountability in a courtroom. These companies have lobbied hard for liability protection in the name of child safety legislation. Do not grant it. The internal documents described in this statement were only produced because families had the legal right to take these companies to court.

## **Section 230 Must Be Reformed or Repealed**

Section 230 was written in the 1990s, before any of these platforms existed. It was never designed for the world we live in now: a world of algorithmic feeds, infinite scroll, and trillion-dollar companies that treat our children as products.

At a minimum, this Committee should seriously consider a total repeal of Section 230 and let the courts do what the courts do. If full repeal is not possible:

- Carve out social media platforms entirely from Section 230 protection;
- Or, at a minimum, carve out children: no Section 230 immunity for harm to minors (anyone under the age of 18 years of age);
- Carve out algorithmic design decisions: companies should not receive immunity for engineering choices made to maximize engagement.

For those who worry about free speech: The First Amendment stands on its own. Free speech does not require addictive design. Removing Section 230 immunity from algorithmic amplification does not silence anyone. It simply means that trillion-dollar companies bear the same responsibility as every other business in America when their design choices injure people.

## **Support Targeted Legislation Focused on Design, Not Speech**

One example of thoughtful legislation is the Algorithmic Accountability Act, introduced by Senators John Curtis and Mark Kelly. It targets design decisions, not speech, and sets a floor for safety while allowing states to go further to protect their communities. The internal documents from this trial confirm that algorithmic design choices (such as recommendation systems, autoplay, infinite scroll, the notification timing) cause harm. Legislation that targets those design decisions is legislation that will actually protect children.

## **The Burden Cannot Fall on Parents Alone**

The burden cannot and should not fall on parents. Most parents are doing their absolute best. They are setting screen time limits, having hard conversations, and trying to stay one step ahead. But they are not engineers. They are not algorithm designers. They are moms and dads, up against trillion-dollar companies who have entire teams dedicated to profit and growth on their platforms. This is not a fair fight. And it is not a fight we should be asking parents to wage alone. The only

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way to protect kids and teens is to require tech companies to act like every other industry in this country and design systems and products that are not unreasonably dangerous.

Meta’s own internal research confirms that parents are fighting a battle that the platform designed for them to lose. Meta’s research report from its internal MYST study included a longitudinal survey of approximately 1,000 U.S. teens linked to actual behavioral data from their Instagram accounts. Its findings are devastating to any claim that parents have the tools or awareness needed to protect their children.

The study found 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. They do not improve teens’ ability to resist the pull of the platform.

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. Parental supervision was not counterweight to problematic use; it was a marker of it.

Meta knew all of this: their data documented it. And yet the public-facing narrative from this company has long been that parents have the tools and responsibility to protect their children. The MYST exposes that narrative as inaccurate. Even when parents are trying, even when they are watching, monitoring, following, and setting rules, the platform’s design overwhelms their efforts entirely. That is a platform design failure.

► *Exhibit Reference: Meta Internal Research Report — “[WIP] Association Between Parent and Teen Attentiveness to Their Social Media Use (Potential Problematic Use) (MYST)” (Mar. 2024)*

RQ6. How does a parent's digital caregiving and digital supervision relate to their teen's survey measures of attentiveness and capability?

**There is no association between either parental reports or teen reports of parental digital caregiving/supervision and teens' survey measures of attentiveness or capability.** Regression models are available in [\[HYPERLINK\]](#).

RQ7. How does a parent's digital caregiving and digital supervision relate to their teen's on-platform behavior?

**Teens who have more potentially problematic activity on Instagram have parents who are more likely to perform digital caregiving and supervision (see Figure 8).** These associations are generally hold for both parental reports and teen reports of what the parents do.

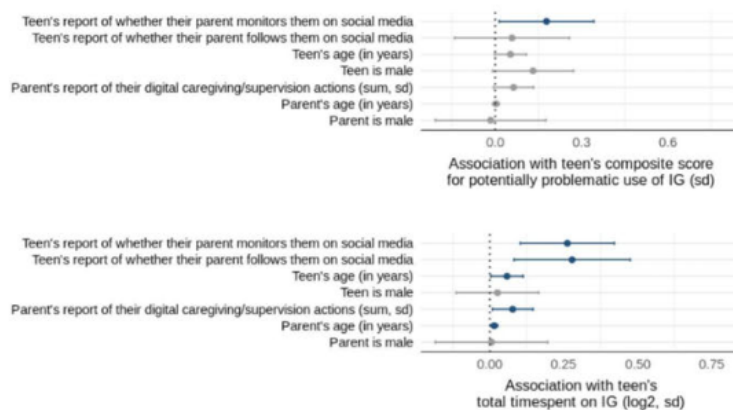


Figure 8. Association between parent- and teen-reported parental digital supervision/caregiving behaviors and teens' activities on Instagram (top: composite behavioral score of activities associated with potential problematic use, bottom: total time spent). Regression models are available in [\[ \[ HYPERLINK \l "\\_7midhep5cwit" \h \]\]](#).

Teens whose parents say they perform more digital supervision/caregiving activities (the sum of their 'yes' responses to the list in Figure 7) spend more time on the platform and have a marginally higher composite score of potential PU-related behaviors ( $p=0.07$ ). Furthermore, teens who say their parents follow them on social media spend more time on the platform and have more sessions. Teens who say their parents monitor them on social media have a larger composite score of potential PU-related behaviors, spend more time, and have more sessions. Regression models available in [\[ \[ HYPERLINK \l "\\_7midhep5cwit" \h \]\]](#).

*EX.00080.12-13 – Meta report discussing relationship between teen problematic use and parent supervision.*

## V. Conclusion

The internal documents were produced in civil litigation brought by families on behalf of their children. They reveal, in the companies' own words, that they knew, they debated, they weighed the harms, and they chose growth.

A jury of twelve Americans saw that record and rendered a verdict. This Committee now has some of that same record. I respectfully urge you to act on it.

I represent parents and families every single day. I am honored to serve as a resource to this Committee, to review legislative language, to share what the evidence showed at trial, and to help ensure that whatever this body does moves us closer to protecting children and not further away.

Thank you for your time and for the important work this Committee is doing on behalf of America's children.

Respectfully submitted,

**Rachel Lanier**

Managing Attorney

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*Exhibits cited within this statement are here: <https://lanierlawfirm.box.com/s/hvjoxr0qggdi02geiw51mfsgrc0q89av>*