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United States Senate

COMMITTEE ON THE JUDICIARY

WASHINGTON, DC 20510-6275

KOLAN L. DAVIS, Chief Counsel and Staff Director
JENNIFER DUCK, Democratic Chief Counsel and Staff Director

February 26, 2018

VIA ELECTRONIC TRANSMISSION

Mr. Mark Zuckerberg
Chairman and CEO
Facebook
1 Hacker Way
Menlo Park, CA 94205

Mr. Kevin Systrom
Chief Executive Officer
Instagram
1 Hacker Way
Menlo Park, CA 94025

Dear Mr. Zuckerberg and Mr. Systrom,

I am writing you concerning the mass shooting which occurred on February 14, 2018, at Marjory Stoneman Douglas High School in Parkland, FL that took the lives of 17 students and teachers, and which seriously injured over a dozen others. On February 23, 2018, the FBI provided a briefing to the Committee and a transcript of a January 5, 2018, call from an unnamed individual to the FBI. According to the transcript, the caller told the FBI that Cruz posted to Instagram that “he wants to kill people,” photos of guns and that the caller was “afraid...something’s gonna happen.” It is the Committee’s duty to conduct oversight of the DOJ and FBI and in that light it is important that the Committee understand the steps the FBI took with Instagram to ascertain Cruz’s identity and what, if any, response Instagram provided.

Accordingly, please provide a briefing for Committee staff no later than March 1, 2018 to address the following questions:

1. Did Instagram ever receive a request from the FBI or any other law enforcement agency seeking information regarding the usernames “nikolascruzmakarov,” “nikolas_cruz,” “cruz_nikolas,” and “crazynikolas_new”? If so, what law enforcement agency made the request, what was the date of the request, and what information was provided in response to the request?

2. Assuming that a request for information was not received, what information could have been provided to law enforcement agencies on a voluntary, emergency basis or with legal process, if it had been requested?
3. Since the shooting, what additional information has been provided, and to which law enforcement agencies, about this user and under what legal process?
4. According to the FBI's transcript of the January 2018 call, Cruz used his Instagram account to say that he wanted to kill himself then transitioned to wanting to kill others. Did Instagram conduct any review of Cruz's comments?
5. Were Cruz's comments on Instagram flagged by users or otherwise identified by Instagram as inappropriate?
6. How do Facebook and Instagram identify user content that should be referred to law enforcement for investigation and were those procedures followed with respect to Nikolas Cruz?
7. What steps, if any, did Instagram take to report Cruz's comments to law enforcement authorities? If steps were taken, what response, if any, was received? If no steps were taken, why not?

Thank you in advance for your prompt attention to these matters. In addition to the briefing, please respond in writing to the list of questions no later than March 16, 2018. Should you have any questions, please contact Josh Flynn-Brown of my staff at (202) 224-5225.

Sincerely,



Charles E. Grassley
Chairman
Committee on the Judiciary