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United States Senate

COMMITTEE ON THE JUDICIARY

WASHINGTON, DC 20510-6275

March 28, 2023

Tim Sweeney
Chief Executive Officer and Founder
Epic Games, Inc.
620 Crossroads Blvd.
Cary, NC 27518

Dear Mr. Sweeney:

I write to request information regarding Epic Games' actions to identify and remove content that broadcasts or promotes terrorism, violent extremism, hate crimes, or drug trafficking, as well as any efforts Epic Games has made to address the use of its platforms by those who perpetrate such acts.

Last May, a gunman committed a horrific and premeditated act of domestic terrorism that killed ten and injured three more at a Tops Friendly Markets in Buffalo, New York. The perpetrator not only livestreamed this act of white supremacist violence against the Black community on the Twitch platform, he also reportedly used a private, invite-only Discord server to detail his plan to attack for months.¹ I subsequently pressed these social media platforms on their roles in promoting extremist content.² It is becoming increasingly clear that extremists are using online games themselves, and not just social media, as instruments to radicalize and recruit; the Buffalo gunman himself noted on his Discord server that "playing Apocalypse Rising on Roblox gave [him] interests in survival and guns" and that he "probably wouldn't be as nationalistic if it weren't for Blood and Iron on roblox [sic]."³

Epic Games' *Fortnite*, like many online games, offers its users the opportunity to do more than play and enjoy a game, but also to create and foster individual and community relationships through the social elements provided. As positive as these attributes can be, for years extremists have exploited the community-building aspects of games to spread propaganda, radicalize and recruit users, and mobilize for terrorist activities. For instance, surveys conducted by watchdog research groups have found that 30 percent of adults, 15 percent of minors aged 13

¹ Jonah E. Bromwich, *Before Massacre Began, Suspect Invited Others to Review His Plan*, N.Y. TIMES (May 17, 2022), <https://www.nytimes.com/2022/05/17/nyregion/buffalo-shooting-discord-chat-plans.html?referringSource=articleShare>.

² Press Release, U.S. Senate Committee on the Judiciary, Office of the Chair, Durbin Presses Social Media Platforms on their Roles in Promoting Extremist Context (May 19, 2022), <https://www.durbin.senate.gov/newsroom/press-releases/durbin-presses-social-media-platforms-on-their-roles-in-promoting-extremist-context>.

³ See Ben Goggin (@BenjaminGoggin), TWITTER (May 18, 2022, 12:41 PM), <https://twitter.com/BenjaminGoggin/status/1526966284294012929>.

to 17, and 14 percent of minors aged 10 to 12 have encountered white-supremacist extremism in *Fortnite*.⁴

Despite these issues, Epic Games does not appear to explicitly address terrorism, violent extremism, and harmful off-platform speech or behavior in its community rules. Epic Games also does not appear to produce transparency reports. Given the complexity of this kind of moderation, and the continued role of Epic Games and online games in facilitating the proliferation of violent extremism, it is crucial that Congress better understand what Epic Games is doing to address efforts by violent extremists and other malicious actors to use its platforms to recruit, organize, and amplify violence and threats of violence. For this reason, please respond to the following requests as soon as possible, but no later than April 18, 2023:

1. Please produce Epic Games' community rules, from January 1, 2017 to present, including any changes regarding its policies on terrorism, violent extremism, threats, bullying, harassment, discrimination, use of slurs and other hate speech, and harmful off-platform speech or behavior.⁵
2. Please explain why the community rules does not explicitly address terrorism, violent extremism, and harmful off-platform speech or behavior.
3. Please explain in detail, and produce documents sufficient to show, how Epic Games identifies content that violates its community rules.
4. Please explain in detail, and produce documents sufficient to show, Epic Games' process for removing content that violates its community rules, including the average time between when such content is posted and when it is removed.
5. Please quantify how much content on *Fortnite* has been found to violate the community rules since January 2020, broken down by month.
6. Please explain in detail, and produce documents sufficient to show, how Epic Games enforces compliance with its community rules; the consequences users face for violating the community rules; whether penalties are escalated for repeat offenders; and what steps are taken to prevent users from circumventing penalties, such as banned users simply creating new accounts.
7. Please explain in detail, and produce documents sufficient to show, what efforts, if any, Epic Games engages in to identify and disrupt known extremist groups' use of its platforms to radicalize and recruit.

⁴ *Hate is No Game: Hate and Harassment in Online Games 2022*, ADL CTR. FOR TECH. & SOC'Y 22-23 (Dec. 6, 2022), <https://www.adl.org/sites/default/files/documents/2022-12/Hate-and-Harassment-in-Online-Games-120622-v2.pdf>.

⁵ As defined by Epic Games. See *Epic Games – Community Rules*, EPIC GAMES, <https://www.epicgames.com/site/en-US/community-rules> (last visited March 27, 2023). See also *Fortnite: Code of Conduct*, FORTNITE, <https://www.fortnite.com/news/fortnite-code-of-conduct> (last visited March 27, 2023).

8. Please explain in detail, and produce documents sufficient to show, what efforts, if any, Epic Games engages in to identify, monitor, and disrupt emerging extremist networks on its platforms.
9. Please provide, and produce documents sufficient to show, what percentage of Epic Games' yearly budget supports efforts to identify violations of and enforce compliance with the community rules.
10. Please provide, and produce documents sufficient to show, how many employees and/or contractors have roles where identifying violations of and enforcing compliance with the community rules is their primary responsibility.
11. Please explain in detail, and produce documents sufficient to show, how those employees and/or contractors who identify violations of, and enforce compliance with, the aforementioned policies fit into the overall Epic Games organizational structure, and what role, if any, these employees and/or contractors play in the development of new products.
12. Please describe in detail, and produce documents sufficient to show, Epic Games' guidelines and parameters for recommending content to users, including both the curation of search results and targeted promotions based on user data.
13. Please describe in detail any actions planned, in progress, or completed by Epic Games to detect and prevent the use of its platforms for broadcasting or promoting domestic terrorism and violent extremism.
14. Please describe in detail any actions planned, in progress, or completed by Epic Games to coordinate with federal, state, local, and tribal governments and agencies to detect, prevent, or investigate violence or threats, including domestic terrorism and violent extremism.
15. Please describe in detail, and produce documents sufficient to show, what efforts Epic Games engages in internally, or allows externally, to systematically analyze the use of its platforms by extremists or other malicious actors to radicalize and recruit.
16. Please describe in detail, and produce documents sufficient to show, any industry efforts Epic Games is engaged in regarding the development of best practices or industry standards concerning the use of online gaming platforms by extremists to radicalize and recruit.

Thank you for your attention to this important matter. I look forward to your prompt reply.

Sincerely,

A handwritten signature in blue ink that reads "Dick Durbin". The signature is written in a cursive, flowing style.

Richard J. Durbin
Chair

cc: The Honorable Lindsey Graham
Ranking Member