

March 28, 2023

Strauss Zelnick
Chief Executive Officer and Chairman
Take-Two Interactive Software, Inc.
110 W 44th St.
New York, NY 10036

Dear Mr. Zelnick:

I write to request information regarding Take-Two Interactive's actions to identify and remove content that broadcasts or promotes terrorism, violent extremism, hate crimes, or drug trafficking, as well as any efforts Take-Two Interactive 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

Take-Two Interactive's *Grand Theft Auto* series, 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 35 percent of adults,

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>.

23 percent of minors aged 13 to 17, and 15 percent of minors aged 10 to 12 have encountered white-supremacist extremism in *Grand Theft Auto*.⁴

It is not just domestic extremists who exploit these features. In 2021, U.S. Customs and Border Protection detained a woman who was trafficking nearly 60 kilograms of methamphetamine.⁵ A Mexican drug cartel began recruiting this woman by contacting her on *Grand Theft Auto* online, before transitioning communications from the game to the Snapchat app.⁶ The Mexican government has reported that cartels have also attempted to recruit players through the online components of *Grand Theft Auto*, among other games by other publishers.⁷

Despite these issues, Take-Two Interactive does not appear to explicitly address terrorism, violent extremism, and harmful off-platform speech or behavior in its code of conduct. Take-Two Interactive also does not appear to produce transparency reports. Given the complexity of this kind of moderation, and the continued role of Take-Two Interactive and online games in facilitating the proliferation of violent extremism, it is crucial that Congress better understand what Take-Two Interactive 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 Take-Two Interactive's code of conduct, 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.⁸
2. Please explain why the code of conduct 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 Take-Two Interactive identifies content that violates its code of conduct.

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 Thomas Brewster, *How Mexico's Real Life Cartels Recruit Drug Mules on Grand Theft Auto Online*, FORBES (Jan. 24, 2022), <https://www.forbes.com/sites/thomasbrewster/2022/01/24/mexican-cartels-recruit-drug-mules-on-grand-theft-auto-online/?sh=49e2821c69f6>.

⁶ *Id.*

⁷ Associated Press, *Mexico: drug cartels recruiting youths through video games*, ASSOCIATED PRESS (October 20, 2021), <https://apnews.com/article/technology-mexico-media-caribbean-drug-cartels-05525fb65583bcfbcd8d43631f8863ad>.

⁸ As defined by Take-Two Interactive. *See Conduct & Social Responsibility Overview*, T2, <https://www.take2games.com/ir/conduct-social-responsibility-overview> (last visited March 27, 2023). *See also Online Features Code of Conduct*, ROCKSTAR GAMES, <https://www.rockstargames.com/conduct> (last visited March 27, 2023).

4. Please explain in detail, and produce documents sufficient to show, Take-Two Interactive's process for removing content that violates its code of conduct, including the average time between when such content is posted and when it is removed.
5. Please quantify how much content on *Grand Theft Auto* has been found to violate the code of conduct since January 2020, broken down by month.
6. Please explain in detail, and produce documents sufficient to show, how Take-Two Interactive enforces compliance with its code of conduct; the consequences users face for violating the code of conduct; 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, Take-Two Interactive engages in to identify and disrupt known extremist groups' use of its platforms to radicalize and recruit.
8. Please explain in detail, and produce documents sufficient to show, what efforts, if any, Take-Two Interactive 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 Take-Two Interactive's yearly budget supports efforts to identify violations of and enforce compliance with the code of conduct.
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 code of conduct 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 code of conduct fit into the overall Take-Two Interactive 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, Take-Two Interactive's 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 Take-Two Interactive to detect and prevent the use of its platform for broadcasting or promoting domestic terrorism and violent extremism.

14. Please describe in detail any actions planned, in progress, or completed by Take-Two Interactive 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 Take-Two Interactive 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 Take-Two Interactive 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,



Richard J. Durbin
Chair

cc: The Honorable Lindsey Graham
Ranking Member