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R. SETH WILLIAMS
District Attorney

February 4, 2013

Mark Zuckerberg, CEO
Facebook, Inc.
18 Hacker Way
Menlo Park, CA 94025

Re: Facebook Case # 170385

Dear Mr. Zuckerberg,

I am writing to you because Facebook has refused to remove a document from one of your user's pages - despite repeated requests by this office - even though this document is a witness interview which is being used to threaten the witness. By ignoring our pleas and continuing to allow these images on your website, you are contributing to the culture of intimidation and fear that exist in this city, where witness intimidation permeates our neighborhoods and courtrooms. I renew our demand that you remove this document from your web page.

In February of 2012, a young woman was arrested as part of a conspiracy to "straw purchase" firearms for a group of drug dealers; that is, she agreed to purchase them for a group of men who otherwise could not procure a firearm legally because of their criminal records. After her arrest, she gave a statement to police admitting her involvement and agreed to testify against the drug dealers. These drug dealers labeled her a "rat" and a "snitch." One of those drug dealers gave a copy of that young woman's statement to a man named Freddie Henriquez. On November 9, 2012, Henriquez decided to post all eight pages of that statement on his Facebook page and also labeled her a "rat." Elsewhere on his page, he has numerous postings that say "kill rats." Henriquez's intent is obvious to anyone who reads his Facebook page; to place a woman who dared cooperate against his associates in fear of retaliation. Had he made these postings on telephone poles or on street corners, it would be bad enough; people from her immediate neighborhood would know that she cooperated with the police. But Henriquez's actions are far worse. He posted the statement for the entire world to see, potentially placing this witness in grave danger from anyone who has an ax to grind with those who cooperate with the authorities in a criminal case.

Despite numerous requests from our office to have Facebook remove these offending images, your company has refused. On January 8 and January 15, 2013, we received form e-

mails from your Law Enforcement Response Team stating that the images have been reviewed and are “not in violation of your policies”. Our office requested a verbal explanation over the phone and was refused. It is hard to fathom this answer given that the images clearly do violate two of the items in your Statement of Rights and Responsibilities:

6. You will not bully, intimidate, or harass any user...
10. You will not use Facebook to do anything unlawful, misleading, or discriminatory.

The posting of the witness’s statement and reference to “rats” and “kill rats” are clearly intended to intimidate and harass. Moreover, these very postings were the basis for an arrest for witness intimidation, and thus clearly unlawful. If your Law Enforcement Team permits such direct violations of your policy, one has to seriously question whether your team is at all serious about protecting people who are victims of criminal conduct being perpetrated by using your web page. Because of their refusal to take action, the intimidation and threat to this witness’s life continue.

I urge you to take immediate steps to remove these offensive and illegal postings, and not allow your user to conduct a campaign of fear through the use of your website.

Sincerely,

R. Seth Williams
District Attorney