Peeling Back the Layers of "Paint on Rotten Wood": Unraveling the Senate's "Big Tech and Child Sexual Exploitation Crisis" Hearing

KYOOEUN JANG
University of Southern California, USA

This paper analyzes the 2024 Senate hearing on "Big Tech and the Online Child Sexual Exploitation Crisis." It reveals how misattributions of harm, misaligned solutions, and misdirected remedies proposed may cascade into systemic failures. These errors, rooted in simplistic understandings of technology and childhood, risk hindering effective governance and overlooking emerging risks online to minor users.

Keywords: online child safety, online sexual exploitation, technological solutionism, platform governance, regulatory frameworks

"Mr. Zuckerberg, you and the companies before us . . . have blood on your hands. . . You have a product that's killing people" (Sen. Lindsey Graham, US Senate Judiciary Committee Hearing on Big Tech and the Online Child Sexual Exploitation Crisis; Hendrix, Iyer, & Miller, 2024).

And so began the Senate Judiciary Committee hearing titled "Big Tech and the Online Child Sexual Exploitation Crisis," which aimed to bring together CEOs of top social media companies, namely Mark Zuckerberg (Meta), Linda Yaccarino (X), Evan Spiegel (Snap), and Jason Citron (Discord), to address the harmful effects of social media use on U.S. youth, specifically around sexual exploitation. This hearing was unique in many ways. In attendance were five bereaved families whose children had fallen victim to predators they encountered online. Senators from both sides emphasized the rarity of the occasion by noting the bipartisan alignment over the issue at hand. During the hearing, Meta CEO Mark Zuckerberg was promoted to apologize directly to these families, for which Zuckerberg stood up and, for the first time in Meta's history, expressed regret to families face to face (Belanger, 2024), although he refrained from assuming culpability and instead emphasized "industry-leading efforts" to mitigate such adversities from recurring (Yang, 2024). This essay probes into the arguments and dynamics of the hearing to illuminate the complex web of misattributions, misalignments, and missed opportunities between regulators and platforms. If left unchecked, these errors risk undermining efforts to enhance child safety online and instead, remain as layers of "paint on rotten wood" (U.S. Senate Committee on the Judiciary, 2024, 3:13:56), a metaphor used by Sen. John Kennedy (R-LA) to criticize platforms' responses to the crisis. Of greater concern is the lack of substantive discussion on operationalizing actionable mitigation strategies or agreeing on the definition of the very children and their needs such measures aim to protect.

Cascading Layers of Errors

Misattributions of Harm

During the hearing, regulators primarily blamed the technology and their developers, emphasizing their role in driving harm. Sen. Dick Durbin (D-IL) compared smartphones' propensity to cause harm to previous, seemingly innocuous forms of technology, such as Motorola phones that could only be used for making calls. Regulators also focused on platforms' profit-driven greed, suggesting that inducing repentance through shaming was necessary to repair platforms' relationship with the public. Although Zuckerberg's apology may have served a pedantic and performative goal for regulators, it may have also fulfilled the effects of image restoration for the company (Kampf, 2009), although the absence of accountability in the apology may spark further debate about its genuineness.

Platforms deflected blame onto "bad actors" and lack of regulation, framing the issue as a problem of individual exploiters rather than systemic flaws. Zuckerberg and Citron emphasized that the original goal of platforms was to help teens create and explore. All five CEOs mentioned external "bad" actors as responsible for penetrating platforms for immoral purposes. Such concepts are closely related to terms used in public health discourse such as "toxicity," a move that allows platforms to define harm as externally found and requiring intervention to maintain the platform's original "health" (Gibson, Docherty, & Gillespie, 2023), while maintaining "rhetorical distance" from responsibility (p. 7), further propagating the deterministic view that considers technology as an "end in itself" (Bijker, 2001).

Misalignments in Proposed Solutions

While regulators and platforms disagreed on legislative approaches, their alignment on technological solutions revealed another layer of error in addressing online child safety. Regulators emphasized introducing bills like the Report Act, STOP CSAM Act, and Earn It Act, alongside broader laws such as the Kids Online Safety Act. They also acknowledged limitations in Section 230 of the Communications Decency Act, which was not just discussed for its insufficiency in providing moderation guidelines but also for its perceived role in shielding platforms from lawsuits. Yet despite the potential for collaborative refinement of laws using platform expertise, senators interrupted CEOs who did not unconditionally support or oppose proposed acts, even when CEOs offered valuable suggestions for improvement. For instance, when Senator Amy Klobuchar questioned Zuckerberg about his support for the STOP CSAM Act or the SHIELD Act, Zuckerberg, instead of affirming unequivocal support, expressed conditional support by proposing additional actionable measures like age gating at the app store level, a measure lauded by security experts such as Alex Stamos (2024). However, the lack of a yes-or-no answer drew criticism from regulators who saw it as a lack of support. In contrast, CEOs like Evan Spiegel, who voiced clear support for KOSA, were commended for their commitment to safety.

Misdirected Remedies

Throughout the hearing, platforms championed internally driven approaches to enhancing minor users' safety, despite research calling for more participatory forms of platform design, including youth-

specific perspectives (Brough, Literat, & Ikin, 2020) or regulatory mandates for increased transparency (KOSA, COPPA 2.0). CEOs mentioned partnerships with NGOs and law enforcement but focused on product-level solutions (stricter default settings, automated detection tools), industry-led coalitions, and organizational changes (investing in Trust & Safety teams). Regulators and platforms aligned in their faith in technical changes to combat online child safety issues, reflecting a belief that technological fixes lead to "safety" (Downer, 2024), while also shifting responsibility of technology's social ramifications onto technologists (Bijker, 2001).

However, prioritizing internal solutions overlooks the need for transparent, inclusive decision making. Automated tools can fail to catch nuanced abuse. User resources place the burden on parents and teens rather than addressing systemic issues. Hash technology blocks are known as CSAM but do not prevent new content creation in the age of generative AI (Pfefferkorn, 2024). This narrow focus fails to recognize that effective solutions must integrate technological, regulatory, and community-driven strategies, addressing immediate safety and underlying systemic issues affecting minor users online.

Unveiling Deeper Rooted Errors . . . or Failures?

"The Child" as Pure and Thus, Vulnerable

The hearing frequently portrayed minor users as "victims," with smartphones described as a "back alley" damaging children (Sen. Durbin) and social media companies as "dangerous products" (Sen. Graham). This rhetoric of childhood innocence has long influenced media regulation debates (Wartella & Jennings, 2000), leveraging the image to promote various agendas (Chris, 2019) that reflect beliefs used to justify media censorship (Heins, 2001). In U.S. political discourse, child symbolism deflects from contentious policies, with parties invoking "family values" while overlooking broader issues (Chris, 2019). Consequently, the "child" becomes both rigid and elusive, embodying societal values and maintaining social order (Livingstone & Third, 2017).

Additionally, the lack of defining who "the child" is that requires protection tacitly reinforced a universal concept of childhood, erasing differences in race, class, and gender a tendency in American political discourse portrays children as "empty vessels," often implicitly White, middle-class, and male (Jenkins, 1998; Kincaid, 1998). Such narratives reinforce adult authority by allowing adults to inscribe their own meanings onto childhood (Kincaid, 1998) that have not only shaped policy discussions but also how the public interprets media effects on young users (Chris, 2019; Heins, 2001).

The Follies of the Media Effects Debate

Excessive screentime was another factor that regulators brought up as potentially harmful to teen mental health. Such views echo the media effects model, which suggests children indiscriminately emulate negative behaviors seen in media (Heins, 2001; Jenkins, 2006) such as television and video games (Chris, 2019; Heins, 2001). However, the model faces criticism for lacking conclusive evidence that proves causation between media use and antisocial behavior (Jenkins, 2004; Sternheimer, 2003; Tiffany, 2023).

Recent studies show social media effects on teens are contextual, varying by demographics and individual factors (Tiffany, 2023; Weinstein & James, 2022). Instead of quitting social media, considering specific contexts that teens face such as existing mental health conditions, socioeconomic status, and parenting styles is crucial (boyd, Hargittai, Schultz, & Palfrey, 2011   ; Orben & Przybylski, 2019; Sternheimer, 2003). This highlights the need to interrogate the intricate interplay between humans and technologies (Bijker, 1995; Latour, 1991) and the need for age-appropriate design beyond reducing exposure.

Neglecting the Fight Against Sexual Exploitation

Despite the hearing's stated purpose of addressing online child sexual exploitation, the discussion often strayed. Regulators instead digressed into discussions about China, neglecting constructive dialogue on establishing age-appropriate design practices or how to fight proven harms like foreign sextortion networks targeting U.S. minors. Sen. Josh Hawley (R-MO)'s interrogation of Show Chew on TikTok's affiliation with the Chinese Communist Party provided insight into the uncertainty the United States faces in remaining dominant in the global platform market, which has led to increased rhetoric of digital nationalism and economic protectionism in recent years (Gray, 2021). However, by potentially overstating the platform's connection to China, these concerns may also reflect "territoriality" more than safety (Gray, 2021).

The Consequences of Mistaken Understandings

Overlooking the Needs and Rights of the Child

Zuckerberg's opening remarks expressed hope for improvements in age verification, industry standards on age-appropriate content, and limiting advertising signals for teens, but these were not deliberated in depth. The hearing's failure to engage in substantive discussions about age-appropriate guidelines has significant consequences. Existing regulatory discourse oversimplifies children's maturity levels, neglecting variations among toddlers, grade-schoolers, and teenagers (Heins, 2001). Regulations such as COPPA reinforce a "magical age" of 13, despite nonlinear adolescent development, and can hinder young people, especially those from marginalized backgrounds, in accessing online opportunities (boyd et al., 2011). It also fails to address loopholes exploited by teens and parents, inadvertently encouraging rule avoidance and compromising children's privacy (boyd et al., 2011). By restricting access, COPPA limits parental choices and data protection, as some parents permit social media access for educational or social reasons (boyd et al., 2011). Furthermore, recent versions of the Kids Online Safety and Privacy Act (KOSPA) has been critiqued for potentially infringing upon minor users' First Amendment rights (Huddleston, 2023; Marwick, Smith, Caplan, & Wadhawan, 2024), contradicting the principle of the First Amendment that officials cannot restrict speech based on subjective notions of morality (Heins, 2001).

Ill-prepared to Tackle New Harms

While existing regulations fail to adequately address children's diverse needs and rights, they also leave everyone ill-equipped to face emerging threats. The "dataveillance" of children ranging from prebirth through ultrasound technology, onward to their grade school years through practices such as sharenting

and learning analytics, have been shown to impact not only children's privacy but their future employment and welfare opportunities (Lupton & Williamson, 2017). Peer-to-peer harms are also increasing, including minors engaging in the sale of self-generated child sexual abuse material (SG-CSAM), distributing nonconsensual intimate images, and even engaging in the sextortion of peers (Thiel, DiResta, & Stamos, 2023). Furthermore, the advent of generative AI has also produced photorealistic Online Child Sexual Exploitation and Abuse (OCSEA) of nonexistent children, raising ethical and legal concerns that fall into regulatory blind spots (Pfefferkorn, 2024). On platforms like YouTube Kids, AI-generated content with bizarre titles and unsettling character depictions to optimize for views blur the lines of child-appropriate material, as this content is recommended in part due to children's own video selection habits, highlighting the entanglement of automated content recommendation systems interacting with children's own viewing choices (Balanzategui, 2021   ). In this sense, the absence of YouTube's CEO at the hearing is notable given the platform's significant influence on young users (Rothwell, 2023).

Conclusion

Although the 2024 Senate Judiciary hearing on "Big Tech and the Online Child Sexual Exploitation Crisis" began with accusations of platforms having "blood on their hands," this analysis reveals far more complex and deeply rooted issues at stake. Through misattributions of harm, misaligned solutions, and failure to engage with children's nuanced online realities, the hearing demonstrates how online child safety risks become a rhetorical tool for regulators to assert power, compelling platforms to deflect blame and implement superficial fixes to placate scrutiny (Ananny & Gillespie, 2017) rather than addressing systemic flaws in platform design and moderation. Examining these layers of provisional fixes manifested during the hearing exposes the challenges of aligning stakeholders with conflicting interests, assigning responsibility, reforming flawed systems, and effectively addressing the underlying causes of harm to protect young users online. Moving forward, a more holistic approach is needed that combines technological solutions with regulatory frameworks and community-driven strategies. This approach should prioritize children's diverse needs and rights, address emerging harms, and involve young users in the decision-making process, fostering a digital environment that prioritizes the agency of young users while holding platforms and regulators accountable for their governance choices.

References

Ananny, M., & Gillespie T. (2017). Public platforms: Beyond the cycle of shocks and exceptions [Conference paper]. Communication Research and Practice. *67th Annual Conference of the International Communications Association*, San Diego, CA, United States. Retrieved from http://blogs.oii.ox.ac.uk/ipp-conference/sites/ipp/files/documents/anannyGillespie-publicPlatforms-oii-submittedSept8.pdf

Balanzategui, J. (2021). "Disturbing" children's YouTube genres and the algorithmic uncanny. *New Media & Society, 25*(12), 3521–3542. doi:10.1177/14614448211049264

Belanger, A. (2024, January 31). *Zuckerberg says sorry for Meta harming kids—but rejects payments to families*. Retrieved from https://arstechnica.com/tech-policy/2024/01/zuckerberg-says-sorry-for-meta-harming-kids-but-rejects-payments-to-families/

Big Tech and the Online Child Sexual Exploitation Crisis: Senate Judiciary Committee Hearing, 118th Cong., 2nd sess. (2024). Retrieved from https://www.judiciary.senate.gov/committee-activity/hearings/big-tech-and-the-online-child-sexual-exploitation-crisis

Bijker, W. E. (1995). *Of bicycles, Bakelites, and bulbs: Toward a theory of sociotechnical change*. Cambridge, MA: MIT Press.

Bijker, W. E. (2001). Understanding technological culture through a constructivist view of science, technology, and society. In S. H. Cutcliffe, & C. Mitcham (Eds.), *Visions of STS. Counterpoints in science, technology, and society studies* (pp. 19–34). New York: State University of New York Press.

boyd, d., Hargittai, E., Schultz, J., & Palfrey, J. (2011). Why parents help their children lie to Facebook about age: Unintended consequences of the Children's Online Privacy Protection Act. *First Monday, 16*(11). doi:10.5210/fm.v16i11.3850

Brough, M., Literat, I., & Ikin, A. (2020). "Good social media?": Underrepresented youth perspectives on the ethical and equitable design of social media platforms. *Social Media + Society*, *6*(2). doi:10.1177/2056305120928488

Chris, C. (2019). *The indecent screen: Regulating television in the 21st century*. New Brunswick, NJ: Rutgers University Press.

Downer, J. (2024). *Rational accidents: Reckoning with catastrophic technologies*. Cambridge, MA: MIT Press.

Gibson, A. D., Docherty, N., & Gillespie, T. (2023   ). Health and toxicity in content moderation: The discursive work of justification. *Information, Communication & Society, 27*(7), 1441–1457.

Gray, J. E. (2021). The geopolitics of "platforms": The TikTok challenge. *Internet Policy Review, 10*(2), 1–26. Retrieved from https://policyreview.info/articles/analysis/geopolitics-platforms-tiktok-challenge

Heins, M. (2001). *Not in front of the children: Indecency, censorship, and the innocence of youth*. New Brunswick, NJ: Rutgers University Press.

Hendrix, J., Iyer, P., & Miller, G. (2024, January 31). *Transcript: US senate judiciary committee hearing on "Big Tech and the online child sexual exploitation crisis."* Tech Policy Press. Retrieved from https://www.techpolicy.press/transcript-us-senate-judiciary-committee-hearing-on-big-tech-and-the-online-child-sexual-exploitation-crisis/

Huddleston, J. (2023, April 6). *Would new legislation actually make kids safer online? Analyzing the consequences of recent youth online safety proposals*. Retrieved from https://www.cato.org/briefing-paper/would-new-legislation-actually-make-kids-safer-online-analyzing-consequences-recent

Jenkins, H. (Ed.). (1998). *The children's culture reader*. New York: New York University Press.

Jenkins, H. (2004, August 26). *The video game revolution: "Eight myths about video games debunked" by Henry Jenkins*. Retrieved from http://www.pbs.org/kcts/videogamerevolution/impact/myths.html

Jenkins, H. (2006). The war between effects and meaning: Rethinking the video game violence debate. In D. Buckingham & R. Willett (Eds.), *Digital generations: Children, young people, and new media* (pp. 19–31). Mahwah, NJ: Lawrence Erlbaum Associates.

Kampf, Z. (2009). Public (non-) apologies: The discourse of minimizing responsibility. *Journal of Pragmatics*, *41*(11), 2257–2270. doi:10.1016/j.pragma.2008.11.007

Kincaid, J. (1998). Producing erotic children. In H. Jenkins (Ed.), *The children's culture reader* (pp. 241–253). New York: New York University Press. doi:10.18574/nyu/9780814743782.003.0017

Latour, B. (1991). Technology is society made durable. In J. Law (Ed.), *A sociology of monsters: Essays on power, technology, and domination* (pp. 103–131). London, UK: Routledge.

Livingstone, S., & Third, A. (2017). Children and young people's rights in the digital age: An emerging agenda. *New Media & Society*, *1*9(5), 657–670. doi:10.1177/1461444816686318

Lupton, D., & Williamson, B. (2017). The datafied child: The dataveillance of children and implications for their rights. *New Media & Society, 19*(5), 780–794.

Marwick, A., Smith, J., Caplan, R., & Wadhawan, M. (2024). *Child online safety legislation (COSL)—A primer*. doi:10.21428/bfcb0bff.de78f444

Orben, A., & Przybylski, A. K. (2019). The association between adolescent well-being and digital technology use. *Nature Human Behavior, 3*(2), 173–182. doi:10.1038/s41562-018-0506-1

Pfefferkorn, R. (2024, February 5). *Addressing computer-generated child sex abuse imagery: Legal framework and policy implications*. Retrieved from https://www.lawfaremedia.org/article/addressing-computer-generated-child-sex-abuse-imagery-legal-framework-and-policy-implications

Rothwell, J. (2023, October 13). *Teens spend average of 4.8 hours on social media per day*. Retrieved from https://news.gallup.com/poll/512576/teens-spend-average-hours-social-media-per-day.aspx

Senate Committee on the Judiciary. (2024, January 31). *Big Tech and the Online Child Sexual Exploitation Crisis*. U.S. Government Publishing Office. Retrieved from https://www.judiciary.senate.gov/committee-activity/hearings/big-tech-and-the-online-child-sexual-exploitation-crisis

Stamos, A. (Host). (2024, Feb 5). *Big tech's big tobacco moment?* [Audio podcast]. Retrieved from https://law.stanford.edu/podcasts/big-techs-big-tobacco-moment/

Sternheimer, K. (2003). *It's not the media: The truth about pop culture's influence on children*. Boulder, CO: Westview.

Thiel, D., DiResta, R., & Stamos, A. (2023, June 7). *Cross-platform dynamics of self-generated CSAM—Stanford University*. Retrieved from https://stacks.stanford.edu/file/druid:jd797tp7663/20230606-sio-sg-csam-report.pdf

Tiffany, K. (2023, June 14). No one knows exactly what social media is doing to teens. *The Atlantic*. Retrieved from https://www.theatlantic.com/technology/archive/2023/06/social-media-teen-mental-health-crisis-research-limitations/674371/

U.S. Senate Committee on the Judiciary. (2024, January 31). *Hearings to examine Big Tech and the online child sexual exploitation crisis* [Congressional hearing]. Retrieved from https://www.congress.gov/event/118th-congress/senate-event/335365

Wartella, E. A., & Jennings, N. (2000). Children and computers: New technology: Old concerns. *The Future of Children, 10*(2), 31–43. doi:10.2307/1602688

Weinstein, E., & James, C. (2022). *Behind their screens: What teens are facing (and adults are missing)*. Cambridge, MA: MIT Press.

Yang, A. (2024, January 31). Mark Zuckerberg apologizes to parents at online child safety hearing. *NBCNews.com*. Retrieved from https://www.nbcnews.com/tech/social-media/mark-zuckerberg-apologizes-parents-online-child-safety-hearing-rcna136578