

Perspectives on Social Media & the First Amendment

Excerpt 1: Facebook and the First Amendment

On October 23, 2019, Mark Zuckerberg, the founder and CEO of Facebook, testified before Congress. [ABC reported](#):

Zuckerberg explained that his company will not remove political ads from candidates — even if false — because he believes voters deserve unfiltered access to the words of politicians. He said exceptions would be made for political ads that encouraged violence or seek to suppress voting.

Facebook on Thursday sought to set the record straight, noting that while it will not fact-check political ads from candidates, it does evaluate the accuracy of political ads from political advocacy groups or political action committees.

"In a democracy, people should decide what is credible, not tech companies," the company wrote in a statement "That's why - like other internet platforms and broadcasters - we don't fact check ads from politicians."

Questions to discuss:

Consider some or all of the following questions to discuss Mark Zuckerberg's testimony before Congress and Facebook's clarification the next day:

- What are your thoughts and feelings about Facebook's policy to exempt from its fact-checking policy political ads paid for by politicians? Why?
- How does Mark Zuckerberg's statement about his company's policies relate to freedom of expression?
- How do you feel about Zuckerberg's statement that voters deserve unfiltered access to the words of politicians?
- What are the exceptions Zuckerberg talks about? Does Facebook ever fact check for accuracy? How does that relate to freedom of expression? How do you feel about that?

Excerpt 2. Facebook Employees on Integrity Work

Hundreds of Facebook employees signed a letter that was posted on Facebook’s internal collaboration forum, “decrying the company’s decision to let politicians post any claims they wanted — even false ones — in ads on the site.”

An excerpt from the letter published in the New York Times reads:

Free speech and paid speech are not the same thing. Misinformation affects us all. Our current policies on fact checking people in political office, or those running for office, are a threat to what FB stands for. We strongly object to this policy as it stands. It doesn’t protect voices, but instead allows politicians to weaponize our platform by targeting people who believe that content posted by political figures is trustworthy.

Allowing paid civic misinformation to run on the platform in its current state has the potential to Undo integrity product work. Currently, integrity teams are working hard to give users more context on the content they see, demote violating content, and more. ... these teams made hard choices on what to support and what not to support, and this policy will undo much of that work by undermining trust in the platform. ... this policy has the potential to continue to cause harm in coming elections around the world.

Questions to discuss:

Consider some or all of the following questions about the concerns Facebook employees raised in their letter:

- What are your thoughts and feelings about the issues Facebook employees raise in their letter? Why?
- How do these Facebook employees feel about the company’s new policy to exempt from its fact-checking policy political ads paid for by politicians? Why?
- What do these FB employees say about “free speech”?
- What do you think the employees mean by “weaponizing the FB platform”?
- What is the “integrity product work” that Facebook teams have been doing? How does this relate to the idea of “free speech?”

Excerpt 3. Facebook and Censorship

In January 2019, Reverend Franklin Graham on Fox News shared a different view about social media, free speech, and censorship. He writes:

[It's a new year](#), but Americans are fighting a battle as old as the nation itself. It's the battle to preserve our free speech and for the first time we're losing — badly. The new front lines of this fight are on social media — Facebook, Twitter, Google, Instagram and others.

2.5 billion people use at least one of Facebook's apps, making it probably the most important social media platform. Unfortunately, its employees, from the CEO on down, don't really believe in free speech. They believe in and actively practice censorship on a scale almost unimaginable a few years ago.

Facebook is now openly antagonistic toward the right. Posts aren't just blocked by humans who decide what they do or don't like; they are blocked by computer programs designed by humans to ensure liberal sensibilities are not offended. The New York Times says the company is monitoring "billions of posts per day in over 100 languages." That makes what Facebook is doing almost impossible to track, until it's too late.

The Times described a global network with more than 15,000 employees assessing content based on rulebooks more than 1,400 pages long. The rules secretly designate groups as hate organizations and are so specific they even ban certain emoji use. Hate speech mandates alone run "200 jargon-filled, head-spinning pages," wrote The Times.

Questions to discuss:

Consider some or all of the following questions about Reverend Graham's op-ed.

- What are your thoughts and feelings about the issues Reverend Graham raises in his op-ed? Why?
- What does Graham say about Facebook's belief in free speech?
- What does he say about Facebook's monitoring and blocking certain posts and groups? What posts/groups is he concerned about?
- How does he describe Facebook's rulebook? How do you feel about that?
- How does this relate to the earlier excerpts about Mark Zuckerberg's testimony and the letter by FB employees? How do you feel about that?

Excerpt 4. Facebook, Free Speech and Lies

Aaron Sorkin, who wrote the screenplay for *The Social Network*, a biographical drama about the founding of Facebook, recently wrote an op-ed in the form of a letter to Mark Zuckerberg, which contained the following language:

[You defended](#) — on free speech grounds — Facebook’s practice of posting demonstrably false ads from political candidates. I admire your deep belief in free speech. I get a lot of use out of the First Amendment. Most important, it’s a bedrock of our democracy and it needs to be kept strong.

But this can’t possibly be the outcome you and I want, to have crazy lies pumped into the water supply that corrupt the most important decisions we make together. Lies that have a very real and incredibly dangerous effect on our elections and our lives and our children’s lives...

Last year, over 40 percent of Americans said they got news from Facebook. Of course the problem could be solved by those people going to a different news source, or you could decide to make Facebook a reliable source of public information.

The law hasn’t been written yet — yet — that holds carriers of user-generated internet content responsible for the user-generated content they carry, just like movie studios, television networks and book, magazine and newspaper publishers.

Questions to discuss:

Consider some or all of the following questions about Aaron Sorkin’s op-ed.

- What are your thoughts and feelings about the issues Aaron Sorkin raises in his op-ed letter to Mark Zuckerberg? Why?
- How does Sorkin feel about the First Amendment and free speech? How is that the same/different from how Reverend Graham discussed free speech?
- What groups/posts is Sorkin concerned about when talking about free speech?
- What does he say about the impact of lies on our elections, our lives, and our children’s lives? Why?
- What does Aaron Sorkin propose as a possible solution to this problem?
- Why do you think Aaron Sorkin compares FB to movie studios, television networks and book, magazine, and newspaper publishers?

Excerpt 5. Facebook and Refereeing Political Speech

Casey Newton, in his article in the Verge, argues that “[Facebook ads are public and searchable](#), and if a politician or political party is out there telling lies, that seems like an important and useful thing for a democracy to know about. Facebook is big and its CEO is unaccountable to any electorate, and so I would rather the company not referee political speech.” Newton writes that is is concerned about a “giant unaccountable corporation refereeing what politicians can say.” He writes:

“[We] seem to be holding Facebook responsible for politicians’ lies when we could be holding the politicians responsible instead. I get the fear that we live in a post-truth world where people just believe whatever their party’s Facebook ad tells them to believe, but it also seems defeatist and more than a little patronizing.

If it’s too difficult to make sure political ads are not full of lies, they shouldn’t accept political ads. Kind of like a supermarket not selling food that they aren’t sure won’t give you food poisoning.

Questions to discuss:

Consider some or all of the following questions about Newton’s article.

- What are your thoughts and feelings Casey Newton’s take on the FB freedom of speech controversy?
- How does Casey Newton feel about FB’s policy to exempt political ads paid for by politicians from its fact-checking policy?
- What is Newton concerned about when it comes to free speech?
- Who does Newton believe should be held responsible for politicians’ speech?
- What does he propose as an alternate solution to the problem of lies in political ads?

Excerpt 6. The Core and Context of the Problem of Free Speech on Facebook

Roger Sollenberger, in his article on the Daily Dot, goes back to what he considers “the core of the problem” which he sees as “obvious and old as democracy itself: Politicians lie.” He writes:

[Today’s] context, though, complicates things.... Rather than adjusting to that reality, however, Facebook’s leaders seem intent on convincing us they’re somehow helplessly bound by rules they set for themselves....

Facebook claims it’s a technology company, not a media company.... Under the Communications Decency Act, technology platforms enjoy immunities unavailable to media companies when it comes to issues such as hate speech, libel, and even false advertising. Though Facebook does employ a third-party fact-checking apparatus for ads, its community of more than one billion users is far too large and active to police [i.e. fact check], and has been for years. As long as we treat Facebook as a tech company—even though almost half of Americans cite it as a news source—they, like politicians, operate largely beyond the reach of legal remedy....

Although in the past we’ve at least been able to live with political lies—if not snuff them out immediately—technology has challenged that basic competency. We’re no longer talking about a handful of mass media ad buys, but thousands of individual, tailored messages pushed out at light-speed by campaigns with budgets running in the hundreds of millions, even billions, of dollars. The volume, variety, and velocity doom any fact-checking effort....

Questions to discuss:

Consider some or all of the following questions about Roger Sollenberger’s article.

- What are your thoughts and feelings about Roger Sollenberger’s take on the Facebook freedom of speech controversy?
- What does Sollenberger argue the core problem is?
- What does he say about today’s context of that problem? How does that change how we might address the problem?
- Sollenberger writes that Facebook leaders seem intent on convincing us that they’re “helplessly bound by the rules they set for themselves.” What are your thoughts and feelings about that point and how does it relate to our discussion so far?

Excerpt 7. Facebook, Political Speech and Its Reach

[The editorial board at the Washington Post](#) discussed Facebook’s policy on political advertising:

Mr. Zuckerberg ... defend[ed] his company’s decision to allow campaigns to pay to have their lies promoted. The principles ... were noble. But they also avoided the essential question — which isn’t whether Facebook should be generous toward political speech, but whether it should allow even the most obviously untruthful content unlimited reach, as well.

Certainly a private company should not be deciding what the public can see from its leaders. That’s why Facebook should, and does, allow candidates to say pretty much whatever they want in everyday posts. But with ads, Facebook is offering candidates a helping hand, not an even one. The site is accepting money to bump up posts in the feeds of carefully targeted groups of users. This is a recipe for deception and polarization — especially because incendiary topics are already known to garner more engagement, and then another visibility boost in turn.

These mechanics dismantle Mr. Zuckerberg’s protestations that his company must remain neutral: Facebook isn’t neutral right now. And whichever campaign is most willing to distort ... will most reap the benefits of the site’s algorithmic biases.

Mr. Zuckerberg ... [also] recounted China’s attempts to export its aggressive censorship: “Is that the Internet we want?” Of course it’s not. But we also don’t want an Internet where the way to win an election is to fabricate. The country shouldn’t have to choose between those two options.

Questions to discuss:

Consider some or all of the following questions about the Washington Post’s stance.

- What are your thoughts and feelings about the Washington Post editorial board’s take on the Facebook freedom of speech controversy?
- What does the Washington Post argue the problem is?
- How does the Washington Post distinguish between content and reach?
- What does the Washington Post say about Facebook’s neutrality?
- What does the Post say about the choice between aggressive censorship and facilitating the spreading of lies? How does this relate to our earlier discussion about censorship?

Excerpt 8. Twitter Bans Political Advertising

On October 30, 2019, Twitter CEO Jack Dorsey announced that it will ban political and issues advertising. Politico reported:

[“Twitter’s announcement](#) ... that it will ban political and issues advertising added a new level of friction to its long-running rivalry with Facebook, which has faced more than a month of blowback for refusing to penalize [political] candidates for lying in their ads. In announcing the new policy, Twitter CEO Jack Dorsey took a few apparent shots at the arguments Zuckerberg and others have made for allowing deceptive political ads.

Dorsey said it's a matter of protecting democracy in the face of the internet's "increasing velocity, sophistication, and overwhelming scale."

Dorsey’s thread was clearly aimed at Zuckerberg ... and it ended with a finger-wag. “Paying to increase the reach of political speech has significant ramifications that today’s democratic infrastructure may not be prepared to handle,” Dorsey tweeted. “It’s worth stepping back in order to address.” Twitter represents a tiny fraction of the global advertising market, and the company’s new policy won’t fix everything that needs fixing. But, as far as mottos go, “stepping back in order to address” is more Madisonian than “move fast and break things.”

Questions to discuss:

Consider some or all of the following questions about Twitter’s announcement.

- What are your thoughts and feelings about the Twitter’s announcement in the context of our discussion so far today?
- What did Dorsey say was the reason for his pulling political candidate’s ads from his platform?
- And yet, who was his action aimed at according to the article?
- What does Dorsey say about Twitter’s size in the global advertising market? If that is true, how much is twitter giving up by pulling political ads?

Excerpt 9. Free Speech, Censorship and Profit

In an op-ed in the New York Times, Siva Vaidhyanathan responded to Twitter’s chief executive Jack Dorsey’s announcement that Twitter would no longer host political advertisements.

At Facebook, Mark Zuckerberg responded by reaffirming that his company would continue to distribute political ads without fact-checking them. In a democracy, I don’t think it’s right for private companies to censor politicians, or the news,” Mr. Zuckerberg said in a Wednesday earnings conference call.

Facebook’s decision to refrain from policing the claims of political ads is not unreasonable. But the company’s officers have been incompetent at explaining and defending this decision. If Facebook’s leaders were willing to level with us, they would stop defending themselves by appealing to lofty values like free speech. They would focus instead on more practical realities: Facebook is incapable of vetting political ads effectively and consistently at the global scale. And political ads are essential to maintaining the company’s presence in countries around the world.

Overall, Facebook has no incentive to stop carrying political ads. Its revenue keeps growing despite a flurry of scandals and mistakes. So its leaders would lose little by being straight with the public about its limitations and motives. But they won’t. They will continue to defend their practices in disingenuous ways until we force them to change their ways.

We should know better than to demand of Facebook’s leaders that they do what is not in the best interests of the company. Instead, citizens around the world should demand effective legislation that can curb Facebook’s power. The key is to limit data collection and the use of personal data to ferry ads and other content to discrete segments of Facebook users — the very core of the Facebook business model.

Questions to discuss:

Consider some or all of the following questions about Siva Vaidhyanathan’s op-ed.

- What are your thoughts and feelings about the Twitter’s announcement in the context of our discussion so far today? What about Mark Zuckerberg’s response?
- What does Vaidhyanathan argue is the real reason are behind CEO’s decisions about running or pulling political ads on their platforms?
- What does he argue is the solution to the core problem?
- Finally, how does all this relate to you and your use of social media?