

Trump signs executive order threatening social-media companies after Twitter fact-checked his tweets



Trump's executive order seeks to limit the power of social-media companies to moderate speech on their platforms. Associated Press

- President Donald Trump signed an executive order Thursday seeking to crack down on social-media companies over allegations of bias against conservatives.
- The move comes two days after Twitter fact-checked two of Trump's tweets pushing false claims about voting by mail.
- Trump's executive order seeks to empower federal regulators to amend a statute that gives social-media companies broad authority to moderate speech on their platforms.
- The order seeks to create new regulations for how social-media companies are allowed to moderate speech, and it calls for the Federal Trade Commission to keep a list of complaints from users about political

bias on social media platforms.

- First Amendment experts say Trump has “absolutely no legal authority” to regulate or shut down social-media companies when he disagrees with them, and his executive order will likely face tough pushback.
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President Donald Trump on Thursday signed an executive order threatening penalties against social-media companies over allegations of bias against conservatives.

“We’re here today to defend free speech from one of the greatest dangers,” he told pool reporters before signing the document.

The move comes two days after Twitter added fact-checking links — the first of its kind — to two of Trump’s tweets pushing false claims about voting by mail.

According to the order, Trump is primarily seeking to empower federal regulators to amend Section 230 of the Communications Decency Act, which gives social-media companies broad authority to moderate speech on their platforms.

Section 230 also stipulates that tech companies are not responsible for comments and other content that users post on their platforms.

Trump’s order called for tech companies to lose their Section 230 protection if they do anything to discriminate against users, restrict their access to a platform without giving them a fair hearing, or take other action that isn’t in line with the terms of service.

The executive order said that within 60 days of its signing, the Secretary of Commerce should file a petition for rulemaking within the Federal Communications Commission for regulations that clarify the scope of Section 230.

It also said the head of each executive department and agency should review federal spending on advertising and marketing paid to online platforms.

Additionally, the order directed the Federal Trade Commission to take action to prohibit “deceptive or unfair practices” and allow people to complain if they think the companies are acting in a way that goes against their own rules and practices.

“As President, I have made clear my commitment to free and open debate on the

internet. Such debate is just as important online as it is in our universities, our town halls, and our homes,” the order said. “It is essential to sustaining our democracy. In a country that has long cherished the freedom of expression, we cannot allow a limited number of online platforms to hand-pick the speech that Americans may access and convey online.”

This statement in the final version of the executive order was slightly different from what was in a draft of the document that leaked online earlier. The draft included “newspapers” as one of the forums in which the president said “free and open debate” was important, but the word did not appear in the final version.

Trump’s final order also directs the attorney general to propose federal legislation that would be “useful to promote the policy objectives of this order.”

“When large, powerful social media companies censor opinions with which they disagree, they exercise a dangerous power,” the order said. “They cease functioning as passive bulletin boards, and ought to be viewed and treated as content creators.”

The document also specifically singled out Twitter, saying the platform “now selectively decides to place a warning label on certain tweets in a manner that clearly reflects political bias. As has been reported, Twitter seems never to have placed such a label on another politician’s tweet.”

The president then accused Rep. Adam Schiff, the chairman of the House Intelligence Committee, of “continuing to mislead his followers by peddling the long-disproved Russian Collusion Hoax,” adding in the executive order that “Twitter did not flag those tweets.”

The FBI’s investigation into Russian interference in the 2016 US election resulted in indictments against eight Americans affiliated with the Trump campaign, 13 Russian nationals, 12 Russian military intelligence officers, three Russian entities, and two others who were unaffiliated with the Trump campaign.

Trump’s former campaign chairman Paul Manafort, former deputy campaign chairman Rick Gates, former foreign-policy aide George Papadopoulos, and former national security adviser Michael Flynn pleaded guilty to charges ranging from conspiracy to lying to the FBI, though Flynn later tried to withdraw his guilty plea. Trump’s informal adviser Roger Stone was also convicted of seven

felonies.

And the former special counsel Robert Mueller indicated that he did not consider charging Trump with a crime not because of a lack of evidence, but because of a Justice Department memo saying a sitting president cannot be indicted.

Trump fights fact-checking and alleged ‘censorship’

Thursday’s executive order is the Trump administration’s latest attack on big technology companies in a back and forth that has been going on since Trump took office. The president enjoys a large following on Twitter, and Facebook advertising helped him get elected in 2016, but conservatives have accused technology companies of being biased against them for the past couple of years.

There have been White House summits, congressional hearings, and draft legislation on the matter, but nothing that specifically aims to regulate social-media companies for allegations of censorship has been successful yet.

Asked Thursday whether he would delete his Twitter account, Trump said, “If we had a fair press in this country, I would do that in a heartbeat,” adding that his social-media presence allows him to reach more people.

The president doubled down on claims of bias after Twitter fact-checked his tweets this week in which he claimed that mail-in ballots in California are “substantially fraudulent” and will result in a “Rigged Election.”

Twitter’s alert linked to a “Moments” page titled “Trump makes unsubstantiated claim that mail-in ballots will lead to voter fraud” that listed a series of facts contradicting his claims.

On Wednesday, Twitter elaborated on its decision to fact-check the president’s tweets, writing: “We added a label to two @realDonaldTrump Tweets about California’s vote-by-mail plans as part of our efforts to enforce our civic integrity policy. We believe those Tweets could confuse voters about what they need to do to receive a ballot and participate in the election process.”



Twitter Safety@TwitterSafety

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Trump, meanwhile, accused the social media platform of "interfering in the 2020 Presidential Election" and said he wouldn't allow Twitter to stifle free speech.

"We will strongly regulate, or close them down before we can ever allow this to happen," he tweeted Wednesday morning.

Trump teased the executive order again in a tweet later that day, writing, "Big Tech is doing everything in their very considerable power to CENSOR in advance of the 2020 Election. If that happens, we no longer have our freedom. I will never let it happen! They tried hard in 2016 and lost. Now they are going absolutely CRAZY. Stay Tuned!!!"

Despite the president's threats, however, First Amendment experts say he does not have the power to regulate or shut down social-media companies because he disagrees with them. Tech policy experts echoed that assessment, telling Business Insider that parts of the executive order are not legal at all, while other sections would require agencies to throw out years of judicial precedent.

That said, the role of social media companies in combatting the spread of misinformation will likely be a recurring issue in the run-up to the election.

Just hours before Trump signed his executive order, Facebook CEO Mark Zuckerberg took aim at Twitter CEO Jack Dorsey, telling Fox News in an interview, "I just believe strongly that Facebook shouldn't be the arbiter of truth of everything that people say online."



Facebook Chairman and CEO Mark Zuckerberg at a House Financial Services Committee hearing in Washington on October 23, 2019. REUTERS/Erin Scott

Dorsey hit back at Zuckerberg, tweeting, “We’ll continue to point out incorrect or disputed information about elections globally. And we will admit to and own any mistakes we make. This does not make us an ‘arbiter of truth.’”

He added: “Our intention is to connect the dots of conflicting statements and show the information in dispute so people can judge for themselves. More transparency from us is critical so folks can clearly see the why behind our actions.”

Democrats have been heavily critical of social media companies, most prominently Facebook, that have refused to crack down on misinformation on their platforms.

House Speaker Nancy Pelosi on Thursday accused Facebook CEO Mark Zuckerberg of pandering to Trump by criticizing Twitter’s decision to fact-check his tweets and insisting that Facebook cannot be an “arbiter of truth.”

Pelosi argued during a press conference that Facebook is chiefly driven by a desire to maximize profits, including by avoiding taxes and regulation, while “hid[ing] under freedom of speech.”

“Facebook, all of them, they’re all about making money,” she said. “Their business model is to make money at the expense of the truth and the facts ... and they defend that.”

She also called Trump’s executive order “silly” and said it was “a distraction” from the coronavirus pandemic.

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