

Biden and Section 230: New administration, same problems for Facebook, Google and Twitter as under Trump

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Delivering his first remarks on the steps of the Capitol overrun by an angry mob two weeks ago, President Joe Biden called for an end to America's "uncivil" war.

"Politics doesn't have to be a raging fire, destroying everything in its path. Every disagreement doesn't have to be a cause for total war," he said. "And we must reject the culture in which facts themselves are manipulated and even manufactured."

Even as he spoke, a [conspiracy theory](#) was spreading on [social media](#), that federal troops were not in Washington to safeguard the proceedings but to intimidate conservatives.

News outlet Axios reported that the theory began with Fox News' Tucker Carlson and Sean Hannity, building on right-wing anger over the perception that the major platforms, Facebook, Twitter and Google's YouTube censor opposition voices.

"Look for this to be a unifying argument of the right as the Biden era begins," wrote Mike Allen, co-founder of Axios, wrote in his morning newsletter.

New administration. Same problems.

Under intensifying siege from the political right and left since the attack on the Capitol, the nation's leading tech companies can expect the scrutiny that began under Donald Trump to continue under Joe Biden and a Congress narrowly controlled by Democrats.

Big tech won't get a break from Biden

Bipartisan support to restrain the vast power held by a handful of large corporations grew during the Trump administration and shows no signs of ebbing as Democrats retake the White House.

While the Biden administration is expected to take on privacy and antitrust, the Democracy-shuddering wave of misinformation and disinformation during and after the election is also expected to get close inspection.

Since losing November's election, Trump used the platforms to delegitimize the election results. On Jan. 6, a mob stormed the Capitol after Trump urged supporters to help stop the certification of Electoral College votes.

"What's top of the agenda for tech companies right now is to sit down and rebuild their policies from the ground up," said Daniel Kreiss, professor of political communication at the Hussman School of Journalism and Media at the University of North Carolina.

"The position that they've been in has simply been untenable. You saw that over the last year, dozens

of reversals of policy, inconsistent enforcement action, unclear and shifting rationales for how platforms are going to approach content moderation," Kreiss said. "It seems to me that they really need to lay out their principles about how they are going to act in political societies, have a very clear and consistent framework and apply those policies fairly and equally to all of their users."

Facebook, Twitter and YouTube under fire after Capitol attack

Social media platforms have been judged harshly by both parties for how they policed content over the past year, from the COVID-19 pandemic to election-related misinformation and disinformation.

Democrats, including Biden who was sworn in as the 46th president Wednesday, say the [social media platforms](#) don't restrict or remove enough harmful content, particularly hate speech, extremism, hoaxes and falsehoods. They have called on companies to play a bigger and more responsible role in curating public debate.

Those on the right say these platforms have too much latitude to restrict and remove content and target conservatives based on their political beliefs. Those grievances boiled over when Facebook, Twitter and YouTube suspended Trump's accounts, citing the risk that he would use his social media megaphone to incite more violence before the end of his term.

In a farewell video from the White House on Tuesday, Trump spoke out against "shutting down free and open debate." "Only if we forget who we are, and how we got here, could we ever allow political censorship and blacklisting to take place in America," he said.

Will Biden take up Trump crusade against Section 230?

Throughout his administration, Trump crusaded against Big Tech which fact-checked, restricted and, in some cases, blocked his messages.

The target of that crusade: Narrowing or rescinding Section 230, which shields social media companies

from legal liability for what their users post and gives platforms immunity when moderating "objectionable" content.

The key part of the provision—sometimes called the "26 words that created the internet"—reads, "No provider or user of an interactive computer service shall be treated as the publisher or speaker of any information provided by another information content provider."

Those protections have been crucial to the growth of [tech companies](#) but have now become a proxy for anger on both sides of the aisle.

Those positions have only hardened since Jan. 6 and a subsequent purge of QAnon-linked accounts, making it even more challenging to reach consensus on Section 230 reform, said Jeff Kosseff, a cybersecurity law professor at the U.S. Naval Academy and the author "The Twenty-Six Words That Created the Internet," a book about Section 230.

A number of bills that would hold Facebook, Twitter and Google legally accountable for how they moderate content are circulating in Congress, including the EARN IT Act and the PACT Act. Biden has called for Section 230 to be revoked.

"You have half of D.C. that thinks there should be much less moderation and the other half thinking there should be more moderation. It's hard to find the solution when you don't have people agreeing on the problem," Kosseff said. "Overall, I think it's going to continue to be a big issue of debate."

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