

Facebook.gov? Social network, Maryland team up to censor students

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October 9, 2013

A policy intended to deter cyber bullying has some First Amendment experts worried about a dangerous precedent against free speech.

The State of Maryland recently implemented tough measures against online bullying, and as part of those efforts, administrators at public schools will now have direct access to a special Facebook communications channel. When schools see their students interacting online in ways they don't like, they will be able to contact Facebook and ask for the offending material to be taken down. The response time is much faster than the social network's standard moderation procedures.

State Attorney General Douglas Gansler said the "Education Escalation Channel" is a pilot program that will hopefully be expanded nationwide in the coming months.

"The issue of cyber bullying is very real, and very current on Facebook," said Gansler in a statement to local news.

But Walter Olson, a senior fellow at the Cato Institute, warned the government's joint efforts with Facebook might be going too far.

"If [Facebook is] agreeing to give better service to the government, then right off the bat they are signalling that there may be two classes of complaints," Olson told The Daily Caller.

Facebook is a private company, and free to give its customers unequal treatment if it wishes. But when one of those customers is the government, the situation becomes grayer.

Part of the issue is Gansler's decision to police not only illegal speech, but also speech that has "no redeeming societal value."

"We're not going to go after you, but we are going to take down the language off of Facebook, because there's no redeeming societal value and it's clearly hurting somebody," said Gansler in a statement.

But Olson said he doesn't trust the government to make a fair judgment about what kind of speech has value.

"The First Amendment protects very upsetting speech," said Olson.

Add the fact that this program will police students at times when they aren't even in school, and there is real potential for unconstitutional abuse, said Olson, who jokingly referred to the partnership between Maryland and Facebook as "Facebook.gov."

"I don't like Facebook.gov," he said. "I'd much rather have Facebook.com."