

Facebook announces first 20 picks for global oversight board

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May 6, 2020

A former Republican U.S. federal judge, a Nobel Peace Prize laureate from Yemen and Denmark's first female prime minister are among the members of a new Facebook oversight board, the company said Wednesday as it attempts to quell complaints about noxious content and ideological bias on its platforms.

CEO Mark Zuckerberg has said the board will have final say over how to handle controversial content such as hate speech. But the move is unlikely to end the 2 billion-member social network's political difficulties in the U.S. and Europe.

In making Wednesday's announcement of the panel's initial 20 members, the company acknowledged it cannot please all its critics. Conservatives, including President Donald Trump, have accused Facebook of censoring right-wing views, while civil rights groups contend the platform does too little to combat white nationalism and overly penalizes minority users.

Facebook said the board's members were chosen for their expertise and diversity, having lived in more than 27 countries and speaking at least 29 languages. They also include former newspaper editors from the U.K. and Indonesia, former judges from Hungary and Colombia, ex-government officials from Israel and Taiwan, and human rights advocates from Pakistan and West Africa.

Five Americans were selected among the board's 20 initial members, picked to reflect viewpoints from across the political spectrum.

The panel includes John Samples, a First Amendment scholar and vice president at the right-leaning Cato Institute, who is writing a book on why the government should not regulate social media speech. Another pick was Michael McConnell, a former federal judge appointed by President George W. Bush who directs the Constitutional Law Center.

Pamela Karlan, a former DOJ civil rights attorney turned Stanford law professor, who is an expert in voting and the political process, will sit on the board. She will be joined by Jamal Greene, a constitutional law professor at Columbia University who was a fellow at the Knight

First Amendment Institute, and Evelyn Aswad, a State Department veteran who teaches human rights law at the University of Oklahoma.

"We stand completely behind this selection," co-chair Helle Thorning-Schmidt, the former Danish prime minister, said Wednesday.

Along with Thorning-Schmidt, McConnell and Greene act as two of the board's four co-chairs, all of whom were tasked with helping Facebook to select other members from a pool of applicants.

Other members include Tawakkol Karman — the first Arab woman to win a Nobel prize — who was honored for her work to promote non-violent change in Yemen during the Arab Spring, and Alan Rusbridger, a former editor-in-chief of The Guardian in the U.K., who oversaw the newspaper's reporting on NSA leaker Edward Snowden's disclosures about U.S. surveillance.

The board will operate independently of Facebook to review some of the company's most complex calls over whether to take down potentially harmful and often polarizing posts on Facebook and Instagram. It will also serve as a de facto Supreme Court when Facebook users protest the company's removal decisions, capable of overruling even Zuckerberg on content matters.

"It's hard to develop a sense of legitimacy if decisions are not transparent and if people don't trust that decisions are not being motivated by financial interest or political interest or reputational interest," Greene said. "The board's novelty is that it can mitigate some of those concerns by being set up to be independent."

The board will not have the time to scrutinize every decision, but will instead focus on those that set the largest precedent, McConnell said.

"We're going to be having to select just a few flowers, or maybe they're weeds, from a field of possibilities," McConnell said.

And there will be no shortage of material. Facebook has fought to suppress election interference, rampant misinformation, hate speech and calls for violence across its sprawling network, but in the process run afoul of politicians and activists who say the company operates with a political bent.

Facebook began developing the oversight board at least a year and a half ago. "The purpose of this body would be to uphold the principle of giving people a voice while also recognizing the reality of keeping people safe," Zuckerberg said when he first announced the board in November 2018.

Facebook went on a global tour to collect input from free speech, technology and human rights experts before settling on a 40-member board that has the power to overrule the company's own content moderation decisions. The board's individual rulings will not only be final, they will help set Facebook's content moderation policies.

The remaining half of the board will be chosen next year after the initial members have had time to review cases and identify missing viewpoints. These are considered part-time positions that will be compensated by the oversight board, which Facebook established with an irrevocable \$130 million trust. Members serve three-year terms.

The social network has maintained that political leanings should not influence the board's content decisions, though Facebook and oversight board leaders acknowledge it's impossible to achieve complete representation.

"It is our ambition and goal that Facebook not decide elections, that it not be a force for one point of view over another, that the same rules will apply to people of left, right and center," McConnell said. "Obviously that's quite an ambition — it's difficult for anyone to do — but that's why the diversity of the oversight board is such an advantage."

To ensure the board's impartiality, the company said, members will have no interaction with Facebook's senior executives, and communication with the company will be facilitated through the oversight board's full-time staff. Those include its director, Thomas Hughes, who previously led a British human rights nonprofit.

What's more, Facebook said it will learn of the board's determinations at the same time as users disputing the company's moderation practices.

Although the pandemic may delay its initial work, the board aims to begin reviewing cases in the coming months and plans to focus initially on individual pieces of content, such as user posts. Other content types that have garnered criticism, like ads, will come into scope over time. The board can typically take up to 90 days to reach a decision, but Facebook can ask the board to perform an "expedited review" in 30 days when faced with more pressing issues "with real-life consequences," said Heather Moore, a manager on Facebook's governance and strategic initiatives team.

But the board does not plan to review content that Facebook has already removed or look back at past issues that have inflamed tensions between the company and various political factions.

"When the board starts hearing cases and the appeal mechanism opens they'll only be looking forward," Moore said. "But that doesn't mean there won't be another piece of content that raises a similar issue that occurred on the platform in previous months."