

# Deseret News

## Facebook suspended Donald Trump indefinitely. This group could overturn that decision

The social media giant's global Oversight Board is seeking public input as it prepares to make a 'consequential' decision

By Jennifer Graham

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The international panel that will decide if Donald Trump can post on Facebook again is seeking input from the public on the former president's suspension the day after the Capitol riot.

But that doesn't mean you should rush to offer Facebook's Oversight Board your opinion.

The panel, an independent body given the power to reverse some of Facebook's controversial decisions, is asking for "subject matter experts and interested groups to share relevant research and information" on four specific questions related to the Trump suspension.

And even then, it doesn't guarantee that it will take everyone's opinions into account, saying that it expects a large number of responses and won't be able to consider every submission in its deliberations.

That said, the form for comment is open to the public until Monday.

Here's what you need to know if you have information you'd like to submit, and when the Oversight Board is expected to announce a decision.

### **'Respect the law'**

The deadly Capitol riot on Jan. 6 was costly to the former president not only because of the impeachment trial it launched that begins Feb. 9, but because Trump lost two important means of communication: Facebook and Twitter.

Twitter permanently locked the account Jan. 8, saying it had been used to incite violence, a violation of its rules. Facebook suspended his account a day earlier, saying the suspension would be for at least two weeks and after that, indefinitely.

Two weeks later, the company, based in Menlo Park California, announced that it would let its Oversight Board make the decision about whether the action would be permanent. The board was formed last year to rule on some challenges to the company's decisions to restrict distribution of content or to shut down accounts.

Facebook CEO and founder Mark Zuckerberg said when announcing the board, "Facebook should not make so many important decisions about free expression and safety on our own."

But in making the announcement about the referral of Trump’s case to the Oversight Board, Nick Clegg, the company’s vice president of global affairs, said the company hopes that the board will agree with its decision.

“Our decision to suspend then-President Trump’s access was taken in extraordinary circumstances: a U.S. president actively fomenting a violent insurrection designed to thwart the peaceful transition of power; five people killed; legislators fleeing the seat of democracy. This has never happened before — and we hope it will never happen again. It was an unprecedented set of events which called for unprecedented action,” Clegg said in a statement.

Despite the suspension, Trump’s Facebook page is still up, minus the two posts that triggered the suspension. His last post was on 3:14 p.m. on Jan. 6, when he wrote, “I am asking for everyone at the U.S. Capitol to remain peaceful. No violence! Remember, WE are the Party of Law & Order — respect the Law and our great men and women in Blue. Thank you!”

### **Violation of standards**

The last remaining post on Trump’s page does not repeat his claim that the 2020 election was fraudulent, like the two posts did that caused his suspension.

The first was a 1-minute video, posted to Facebook and Instagram, which began, “I know your pain, I know you’re hurt. We had an election that was stolen from us. It was a landslide election and everyone knows it, especially the other side. But you have to go home now. We have to have peace.”

The second was a statement posted on Facebook as police officers were securing the Capitol. It read: “These are the things and events that happen when a sacred landslide election victory is so unceremoniously & viciously stripped away from great patriots who have been badly & unfairly treated for so long. Go home with love & in peace. Remember this day forever!”

Facebook said the first post violated one of its “community standards” that reads: “We do not allow content that praises, supports, or represents events that Facebook designates as terrorist attacks, hate events, mass murders or attempted mass murders, serial murders, hate crimes and violating events.”

“Facebook removed the second post under the same standard, but has not yet clarified the specific aspect of the policy that it applied,” the Oversight Board said in its summary of the case.

In deciding the case, the 20-member board — representing a diverse cross section of international, academic, political and business backgrounds — will consider these issues, among others:

- Whether the suspension was in line with “the company’s responsibilities to respect freedom of expression and human rights” and if alternative measures should have been taken.
- How the company should assess “off-Facebook context” in enforcing its community standards on the platform.
- How Facebook should treat the expression of political candidates, office holders and former office holders, “considering their varying positions of power, the importance of political opposition, and the public’s right to information.”

- The accessibility of Facebook’s rules regarding the disabling of accounts or restricting of posts, and how such actions can be appealed.

### **Hope for Trump?**

Facebook is the world’s largest social media platform with more than 2.7 billion monthly users worldwide, many of whom live in countries where free speech is seen differently from how it is viewed in the U.S.

The first 20 members of the Oversight Board, announced last year, include people from Denmark, Taiwan, Hungary, Australia, Indonesia, India, Pakistan and Yemen, among other nations.

Four are from the United States: John Samples, vice president of the Cato Institute; Pamela Karlan, a Stanford Law School professor; Evelyn Aswad, professor and chairwoman at the University of Oklahoma College of Law; and Jamal Greene, a professor at Columbia Law School.

But not all of the members will deliberate on the case. Five members, to include one American, will make the decision, then present it to the full board for its approval, according to Ben Smith, media columnist for The New York Times.

“It’s hard to imagine a more consequential case,” Smith wrote. “The decisions by Twitter and Facebook to bar Mr. Trump immediately reshaped the American political landscape. In the course of a few hours after the Capitol riots, they simply vaporized the most important figure in the history of social media.”

And despite Clegg’s hope that the board will ultimate side with Facebook, Smith said, “The odds aren’t bad for Mr. Trump.”

The former president could also be heartened by the Oversight Board’s first round of decisions. In the first five cases it reviewed, it overturned four of Facebook’s decisions.

A decision on Trump’s Facebook page is expected by the end of April.