



Facebook weighs pivotal decision on Trump ban

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Facebook finds itself confronted with one of its most consequential content moderation decisions — whether to let former President Trump back on the platform or keep him permanently banned.

Facebook CEO Mark Zuckerberg has left the decision in the hands of Facebook’s fairly new independent oversight body, and the 20-member board’s impending verdict may have effects beyond the fate of Trump’s potential return.

The Oversight Board, which functionally launched in the fall, has the power to recommend that Facebook overturn content moderation decisions, as well as to make related policy recommendations.

On the Trump case, Facebook said it requested the board’s “observations or recommendations on suspensions when the user is a political leader,” meaning the board’s decision on Trump could influence how Facebook handles bans on future leaders around the world.

“That could be the most significant part of it,” Oversight Board member John Samples, who is also the vice president of the Cato Institute, said Thursday during a panel hosted by The R Street Institute.

Facebook has agreed to follow all the board’s rulings in terms of content removal, even in the case that the board overturns Facebook’s previous decisions.

The company has made good on its promise so far. Shortly after the board announced its first five verdicts last week, overturning four of Facebook’s decisions, the platform confirmed it restored all content related to the cases.

But Facebook has not committed to implementing all policy recommendations related to the rulings, Samples noted. That means that no matter what the board states in regards to handling bans on political figures, the social media giant’s handling of such cases will remain up in the air.

“I have confidence [that] what the board will decide up or down, Facebook will carry that out. I believe that the policy recommendation is a somewhat different issue,” Samples said.

“It’s a big question. They want recommendations, we want to reply. It’s going to be a challenge. All I could say is I think the likelihood of following outright recommendations depends on the quality of them and ... whether it makes sense,” he added.

Some of Facebook's staunchest critics, however, remain dubious over the process it's using to handle the Trump ban.

Critics argue Trump's repeated violations of Facebook's policies, coupled with the fact that he is out of office and no longer under additional protections, renders a special process weighing his ban unnecessary.

"I think it's a cowardly act that they haven't permanently banned him already and are kicking it over to the Oversight Board," Jessica González, CEO of the advocacy group Free Press, told The Hill.

González said her issues aren't with the members of the board themselves, a collection of educators, journalists and advocates from around the world. Rather, she raised concerns over how Facebook is shaping the process.

For example, González accused Facebook of granting the Oversight Board a narrow scope to weigh its decision on the Trump ban.

Facebook's decision to temporarily suspend Trump, which will remain in place until the board's ruling is announced, followed the platform's decision to remove a couple of the then-president's posts after the deadly riot at the Capitol on Jan. 6. In referring the case to the board, Facebook only noted the two removed posts.

"The question is will the Oversight Board be used to actually hold Facebook accountable or will they be used to rubber stamp Facebook's position," González said. "Given the scope of what Facebook has sent to the Oversight Board or review about this particular case ... it's looking a lot like a rubber stamp. Because whether one person should or should not be on the platform is likely not because of one post or two posts."

A spokesperson for the Oversight Board did not respond to a request for comment to clarify if the board will look only at the removed posts Facebook identified or at Trump's page as a whole.

González is also a member of the "Real Facebook Oversight board," a group of tech advocates that formed after the launch of the Oversight Board and is critical of how Facebook is handling decisions on the controversial cases. The group on Friday submitted public comment to the official board calling for it to uphold Trump's ban.

"We have a simple message: Overturning the Trump ban is an invitation to violence, hate and disinformation that will cost lives and undermine democracy. Don't strike the match," they wrote, according to a copy of the public comments obtained by The Hill.

The advocates minced no words in casting the Oversight Board as illegitimate, writing that the board's oversight is not even a "remotely adequate process to address the ongoing harms on Facebook platforms."

"This is still an arbitrary process which is completely out of sync with the actual impact that Facebook's own terms of use has," Marietje Schaake, the international policy director at Stanford's Cyber Policy Center and a former member of the European Parliament from the Netherlands, told The Hill. She is also a member of the "Real Facebook Oversight Board."

Schaake instead called for greater transparency and congressional oversight of the platform.

Although Facebook has no binding agreement to follow the recommendation that the Oversight Board issues on banning political figures, Samples said the company may be pushed to do so given the publicity of the Trump case.

“To me the request was striking. They want recommendations, they want some help. I don't think this is just faking it,” he said.

Scott Talan, an assistant professor at American University's School of Communication, said the board overturning the Trump ban would be the worst-case scenario for Zuckerberg and his business.

Talan said pushing the decision onto the oversight body gives Zuckerberg a sort of shield against criticism either way, “but that shield will be dented” if the ban is lifted.

“His shield will be in a sense bloodied and his reputation and Facebook's will suffer — and I think some of his business will suffer — if they reverse this,” he added.

Unlike Facebook's drawn-out process, other tech giants were quick to boot Trump from their platforms, including the former president's most used platform, Twitter.

Twitter permanently suspended Trump just days after the temporary lock prompted by his tweets after the riot, determining his posts pose “the risk of further incitement of violence”

The limbo over Trump's Facebook ban puts Zuckerberg, who has tried to toe the line on partisan politics, in a precarious position.

“Zuckerberg has no way out, no way to please everyone, which he seems to try and do,” Talan said.