

MEDIA/PUBLISHING

## Trump retaliatory executive order treats social networks as publishers legally liable for content posted

May 28, 2020



President Trump announcing executive order removing legal shield for social media companies. Image credit: Fox

By LUXURY DAILY NEWS SERVICE

President Trump escalated his war with Twitter after signing an executive order seeking to limit broad liability protections offered to social media companies under United States federal law.

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Mr. Trump's order comes two days after Twitter fact-checked his posts on Tuesday, May 26. The fact-checking notice was applied for the first time to tweets by the president on voter fraud by mail a move that led Mr. Trump to accuse Twitter of "stifling FREE SPEECH" and a vow to take action.

"In a country that has long cherished the freedom of expression, we cannot allow a limited number of online platforms to handpick the speech that Americans may access and convey online," the presidential executive order states. "When large, powerful social media companies censor opinions with which they disagree, they exercise a dangerous power."

The order seeks to classify platforms as the "21<sup>st</sup>-century equivalent of the public square," protecting individuals' First Amendment rights under the U.S. Constitution.



What started it all in the recent kerfuffle: Twitter fact-check notice (blue line below post) added to President Trump's tweet on voter fraud for mail

Tweet for tat

Incensed by what he termed as censorship by Twitter, Mr. Trump accused Twitter of acting as an editor "with a viewpoint" and termed the fact-checking notice as "political activism."

There is NO WAY (ZERO!) that Mail-In Ballots will be anything less than substantially fraudulent. Mail boxes will be robbed, ballots will be forged & even illegally printed out & fraudulently signed. The Governor of California is sending Ballots to millions of people, anyone.....

Donald J. Trump (@realDonaldTrump) [May 26, 2020](#)

....living in the state, no matter who they are or how they got there, will get one. That will be followed up with professionals telling all of these people, many of whom have never even thought of voting before, how, and for whom, to vote. This will be a Riggged Election. No way!

Donald J. Trump (@realDonaldTrump) [May 26, 2020](#)



The Twitter fact check link took users to an article on CNN - a network with whom President Trump has a running feud. Image credit: Twitter, CNN

The president has vowed to eliminate or curtail Section 230 of the 1996 Communications Decency Act that gives online companies such as Twitter and Facebook broad immunity from liability for their users' actions as well as much freedom to police content on their sites.

Mark Zuckerberg, cofounder/CEO of Facebook, is known to oppose interfering with politicians' posts on his social network. But Twitter CEO Jack Dorsey has taken a more proactive stance after his network came under heavy criticism for not challenging narratives not based on fact.

The likelihood is that Mr. Trump's order will be challenged in court.

In the meantime, the order will force social networks to start policing content posted on their sites and apps if President Trump's order treats them as publishers and not mere distributors of content, as they claim to be. Which means more of Mr. Trump's tweets may have fact-checking notices appended.

[pic.twitter.com/STCgxGezrQ](https://pic.twitter.com/STCgxGezrQ)

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