

# The Delray Democrat

## Social Media: “We Don’t Need No Stinkin’ Badges”<sup>1</sup>

*June Sandra Neal*

On May 29, Donald Trump took his ball and ran home because he didn’t like the ref’s call. Twitter’s CEO, Jack Dorsey, had decided—finally—to fact-check him and we all know the president is highly allergic to facts.

So, the Retaliator-in-Chief signed an Executive Order to strip Internet CEOs of their legal protection against lawsuits for third-party postings by altering Section 230 of the federal Communications Decency Act: "No provider or user of an interactive computer service shall be treated as the publisher or speaker of any information provided by another information content provider." However, they could, if they wished, “moderate” content.

They didn’t. And everyone was happy. That protection, as well as a real fondness for lawmakers who avoid unwelcome subjects like federal taxes or regulations, have allowed Google, Twitter, Facebook, and other internet giants to shrug when users posted things that, on another medium, would invite a subpoena. And it was just peachy for Trump, since he has used Twitter to lie, bully and defame to his black heart’s desire. Twitter even had a “carve out” policy for heads of state, a free pass to lie for the very people who should be held most accountable.

But after Trump accused MSNBC co-anchor Joe Scarborough of a murder, without evidence, and claimed that same-day voter registration would allow non-citizens to “just walk in and vote,” Dorsey decided to “fact check” a bit of Trump’s maniacal belching. Not remove it; just flag it.

As a former columnist, I say it’s about time. Foolishly, we excused social media commentary from the rules of journalism until it became the electronic wild west. “We don’t need no stinkin’ badges.” The law may not yet place Facebook and Twitter in the same genus as The New York Times, but any application of rationality demonstrates both have the same power, with an even greater reach.

President Abraham Lincoln said he was “clothed with immense power.” Trump now wears that mantle and he is using social media to deprive Americans of the hard-won measures that make voting more accessible and, in many cases, possible: early elections, mail-in ballots and same-day registration. Twitter’s flagging false and dangerous Internet commentary does not diminish Trump’s First Amendment rights because Twitter is not a governmental body. On the other hand, Trump’s use of government power to punish Twitter for doing so does arguably violate Twitter’s First Amendment rights. It is also stupid and counterproductive. Without the protection afforded

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<sup>1</sup> *The Delray Democrat*, June 2020, p. 7.

by Section 230, if Twitter can be sued for what Trump tweets, it is likely to flag even more of Trump's tweets since it will be legally answerable for them.

Facebook CEO Mark Zuckerberg, whose pursuit of dollars over democracy helped Trump win in 2016, says it's not his problem. Indeed, internet CEOs have no incentive to change without resistance from their stakeholders: advertisers, stockholders and us, the users.

Trump's latest tantrum may not bear much legal weight. But his objective is chilling. Referring to social media that dare to flag him: "We will strongly regulate, or close them down, before we can ever allow this to happen." And then, "... or we'd have to develop other sites." We? His own news outlets? Hitler called his Franz Eher.