Trump's Order against Online Platforms

Why in news?

US President signed an executive order against social media platforms.

What is an executive order?

- An executive order is a written directive issued by the President.
- It is one of the most common presidential documents.
- Such orders are not legislations and don't require the approval of the Congress, which also means that the Congress cannot overturn them.
- Congress may pass legislation that makes it difficult or impossible to carry out an executive order, such as removing funding.
- However, ultimately, only a sitting US president can overturn an executive order by issuing another one to that effect.

What does it say?

- **Argument** - The executive order says that online platforms are engaging in "selective censorship".
- It says that Twitter's labelling of Trump's Tweets shows "political bias".
- It says that online platforms are invoking irrational and groundless justifications to censor or otherwise restrict Americans' speech in US.
- It added that several online platforms are profiting from and promoting the aggression and disinformation spread by foreign governments.
- **Action** - The order aims at removing certain protections for these platforms that safeguard them from any liabilities arising out of the content that is posted on their websites.
- The order gives federal regulators the agency to take action against online platforms that are seen as censoring free speech.

What triggered the move?

- **New policy** - Amid the coronavirus pandemic, Twitter has undertaken a new policy that introduced labels and warning messages.
- These labels provide "additional context and information" on Tweets with disputed, misleading or unverified claims related to the pandemic.
- However, these labels can also be used in situations where the risk of harm associated with a Tweet is less severe and people may be confused or misled

by the content.
- **Trigger** - Trump's move comes after Twitter labelled two posts made by Trump about California's vote-by-mail plans as fact-checked.
- Twitter maintained the posts could "confuse" voters about what they need to do to receive a ballot and participate in the election process.

What is Section 230 of CDA?

- Section 230 of the Communications Decency Act (CDA) provides immunity to online platforms.
- It protects the online platforms from being liable for the content billions of people post on their platform every day.
- Under this section, providers of "interactive computer services" are free from being treated as the publisher or speaker of any information posted by the users.
- This renders these platforms "unfettered by Federal or State regulation".
- The Act also protects online platforms from civil liability, which means that they may not be liable for restricting access to certain content and when such content is removed in "good faith".
- The content, as per the platform, should be obscene, lewd, lascivious, filthy, excessively violent, harassing or otherwise objectionable.

What changes with the order?

- The order says that when online platforms remove or restrict access to content, which are not based on the above-mentioned criteria, or is in bad taste, it engages in editorial conduct.
- Thereby, the online platform becomes the "publisher" of all the content posted on its website.
- Based on this, the order revokes the liability shield offered to platforms and exposes them to liability like any traditional editor and publisher.
- The order directs the Secretary of Commerce to ask the Federal Communications Commission (FCC) for new regulations clarifying when a company's conduct violate the Section 230's good faith provisions.
- The order instructs the Justice Department to consult with state attorneys general on allegations of anti-conservative bias.
- It bans federal agencies from advertising on platforms that have allegedly violated Section 230's good-faith principles.

What are the implications of this order?

- Legally, the order may not make much of a difference.
- The order does not make it clear as to why FCC, an independent agency

outside of Trump's control, would have any agency in interpreting the relevant sections of the CDA.

- Further, the report mentions that an agency such as FCC cannot override a statute enacted by Congress.
- Twitter has said that the order is a reactionary and politicised approach to a landmark law.
- It said that unilateral attempts to erode Section 230 would threaten the future of online speech and Internet freedoms.

Source: The Indian Express

