

Regarding Social Media Companies,  
Terrorists, and Responsibilities

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### Abstract

Social media companies have been claiming to be both an open platform and a publisher in order to justify their decisions with regard to user's and terrorist organizations' content. They have done little to curb the spread of terrorist content while at the same time increasingly censoring individuals over their expressed opinions. Being an open platform means that there should be little moderation and censorship over the content posted; however, this has not been seen. Increasingly of late, there has been the removal of content that is trivial when compared to the violence-espousing posts that terrorist organizations, like ISIS, have been able to keep on social media. They have taken on the roles of a publisher and yet think that they can still retain the protections that being an open platform provides. One could argue that these protections that have helped them in numerous lawsuits can no longer be applied to them because they are no longer a place of free thought and speech but are indeed publishers of information.

### Regarding Social Media Companies, Terrorists, and Responsibilities

Social media is often championed as an open platform, a place where ideas, views, and thoughts can be expressed freely. However, some say that the freedom and ease with which these ideas are spread is detrimental to society because terrorist groups, like ISIS (Islamic State of Iraq and Syria), have been able to promote themselves without much hindrance, even though some of their posts clearly violate social media companies' policies by threatening people with violence. In 2015, there was an American woman named Nohemi Gonzalez who was killed in Paris by a terrorist. Andrew Edwards of the *Press Telegram* reported that, because ISIS was able to use social media to promote the actions of the murderer, several lawsuits were made accusing Twitter, Google, and Facebook for providing a platform for this terrorist organization (2016). Again, in 2016, another terrorist attack at a nightclub in Orlando, Florida caused more lawsuits to be filed because the killer was able to use these platforms to view propaganda posted by ISIS, according to an article written by Amir Vera of CNN (2018). Because of these incidents, should companies like Google, Twitter, and Facebook be doing more to hinder the spread of these terrorists' ideas? Are their current methods of moderation enough to solve this issue? Although these companies claim to be "open platforms," should America's anti-terrorist laws still apply to them despite their protection from the Communications Decency Act (CDA)? What were the courts' rulings in the cases of the Gonzalez and Pulse lawsuits against Twitter, Google, and Facebook? These are important questions to consider, especially because many of these social media companies claim to be both a publisher and an open platform in order to protect themselves from lawsuits.

Have these social media companies done enough to hinder the spread of terrorism? Could they do more than what they have done already? According to research done by Eric Feinberg, Facebook removed fifty-six percent of the pages promoting ISIS that he reported, and he also found that some of the reported pages which remained on Facebook had obvious violations of their rules and yet were deemed to have no problems (Goodman, 2018). This makes one wonder if their statements that they do not tolerate

terrorist content on their sites and that they are increasing their efforts in combating it are true. Seeing how they have been able, in recent months, to successfully censor and target those whose views seem to go against their own, these social media companies have demonstrated that they could do much more than what they have done. If they hide behind the defense of free speech and being an open platform as a reason to not remove terrorist content, then the thousands of people whom they have silenced just because these individuals are propagating what the company considers to be “fake news” or are voicing their own opinions have had their free speech and use of an open platform violated. If they only censor someone whose views are divergent from what they deem acceptable, what does that say when they do not use the same energy and technology to remove the content of terrorist organizations who vocally threaten violence and support those who have done terrorist acts? If these companies do not want others to conclude that they condone the actions of terrorists, then these companies -- Twitter, Google, and Facebook -- should consider using the resources that they have produced for a mere political election to combat the terrorist activities that are on their sites.

However, if they do start to censor terrorist organizations, they must also settle the question that has been plaguing them for years: are they an open platform or a publisher? Over the years, Facebook has claimed that is both a publisher and a platform in order to protect itself from the flack brought on by some of their decisions to retain posts and delete others. In an quote within article on *The Guardian* that discusses Facebook’s dilemma, a professor comments on Facebook’s stance: “‘It just strikes me as fundamentally problematic,’ said Jane Kirtley, a professor of media ethics and law at the University of Minnesota. ‘On one hand, you’re trying to argue you’re this publisher making editorial judgments. But then they turn around and claim they are protected under ([CDA] Section 230) because they are not publishers’” (Levin, 2018). Facebook and companies like it that attempt to use both sides of the coin should know that this ruse will soon be found out. If they are going to censor individuals who are merely stating their opinions and terrorist organizations who are advocating murder of innocents, they can no longer claim protections as a platform but declare themselves a publisher. If they wish to remain a

platform, then they will have to deal more effectively with the threats of violence that terrorists proclaim and cease from censoring individuals over their expressed opinions. However, if they decide to continue to censor individuals, resume the removal of terrorist content, and continue to shape other's views by designing specific newsfeeds catering to each individual's interests as mentioned in *Ethics in Information Technology*, for example, they should decide to call themselves publishers and acknowledge the responsibilities that such a role brings (Reynolds, 2019, p. 191). Facebook and other social media companies have the technology to remove terrorist content from their website; however, they have diverting their energy to less important things, like crushing anyone who disagrees with their narrative of world events and putting people into virtual 'bubbles' made from their own interests and likes.

This discussion brings us to the next question of whether or not the U.S.'s terrorist laws should have more power than the protections that the Communications Decency Act (CDA) provides to open platforms. One could argue that the protections of the CDA no longer apply to social media companies, particularly when one considers the actions they have taken to limit what information is posted on their sites. Their actions during the 2020 election and the COVID pandemic are good examples of this emerging practice. In a *New York Post* article, Mark Weinstein, the CEO of MeWe, wrote regarding social media companies' censorship of information during the COVID pandemic: "These companies are increasingly dictating what their users should and should not see and believe. They are kicking out good users and taking down countless harmless posts, pages and groups simply for asking questions about COVID-19 or presenting opinions that differ with those from the company's executives and authorities" (2020). If these are open platforms, then there should be little interference when individuals post content even when the content they post is something the company disagrees with. By removing content that is merely opinions, thoughts, and news that the company perceives as controversial makes the 'platform' a publisher of information. They are no longer allowing a broad spectrum of information to be posted but are curating it to fit what they want people to see. Additionally, with their personalized newsfeeds, they should already be considered publishers. The question of *if* America's terrorist laws apply is no longer

necessary because these laws *do* apply: these companies are indeed publishers since they remove, edit, and label posts.

From this perspective, what would one think of the court rulings in the Gonzalez and Pulse lawsuits that were filed against several social media companies? In 2015, Nohemi Gonzalez was killed in Paris, France during an ISIS terrorist attack. Her family sued Google, Twitter, and Facebook claiming that the companies had permitted ISIS to use them as a means of propagating their ideas and gaining more followers. As reported by Nicholas Iovino, their case against Google, for example, was dismissed by judges repeatedly for several reasons among which were that there was no verifiable reason why Google was to blame for the attack and the company was immune to responsibility because of CDA Section 230 (2018). In the same article, he states that, though their other accusations have been dismissed, their complaint that YouTube's ad revenue helped ISIS with funding has been allowed to be redone so that they can restate and prove their arguments more convincingly. A similar outcome came to the Pulse lawsuits. In 2016, there was another terrorist attack at a nightclub in Orlando, Florida, and like the Paris attack, this attacker was also related to ISIS. The lawsuits done by the Pulse victims' families argued that Facebook, Twitter, and Google were responsible because the attacker had been influenced by the terrorist organization's content that had been allowed to remain on the social media sites. In her article in the *Orlando Sentinel*, Bianca Padró Ocasio summarized the judge's reason for dismissing the case: "U.S. District Judge David M. Lawson wrote in his dismissal that there is no definitive evidence suggesting that the material Mateen saw online directly led to the attack, 'other than that the principles espoused in them motivated Mateen to carry out the dreadful act'" (2018). The results of these rulings are dissatisfying because these companies could have done more, as has been previously stated, to hinder ISIS's propaganda from spreading online. As a rule, the content posted by these terrorist organizations and the violence that they promote violate the sites' policies and the protections that the First Amendment provides. Because of this, Facebook, Google, and Twitter should have been more efficient in removing their content. However, their energies have been spent in other areas which, one could argue, are less of a

concern and cause one to wonder how much these companies actually care about solving the issue.

Because of their failure to remove the content, they should be held accountable for allowing it to remain and influence others online.

These social media companies' failures to prioritize terrorist content could be to their undoing. They have been showing the public during recent months that they want to act more as a publisher than as an open platform. Being a publisher opens them up to being responsible for what is being posted on their sites. Thus, cases like these could be made and justified that these companies are indeed responsible for their lack of moderation in this area. If Facebook, Google, and Twitter had not strayed from their original intent of being an open platform, perhaps they would not be facing the issue of being responsible for content posted on their sites. Already, they have become a publisher. It is now our turn to hold them accountable to that decision and not let them continue to play both sides.

## References

- Edwards, A. (2016, June 15). *Family of slain CSULB student Nohemi Gonzalez sues Twitter, Facebook, Google*. Retrieved November 2020, from Press-Telegram:  
<https://www.presstelegram.com/2016/06/15/family-of-slain-csulb-student-nohemi-gonzalez-sues-twitter-facebook-google/>
- Goodman, R. (2018, January 16). *Exclusive: New Evidence of Loopholes in Facebook's Regulation of Terrorism Content*. Retrieved November 2020, from justsecurity.org:  
<https://www.justsecurity.org/51030/exclusive-evidence-loopholes-facebooks-regulation-terrorism-content/>
- Iovino, N. (2018, August 15). *Google Still on the Hook in Terror Liability Case*. Retrieved November 2020, from Courthouse News Service: <https://www.courthousenews.com/google-still-on-the-hook-in-terror-liability-case/>
- Levin, S. (2018, July 3). *Is Facebook a publisher? In public it says no, but in court it says yes*. Retrieved November 2020, from The Guardian:  
<https://www.theguardian.com/technology/2018/jul/02/facebook-mark-zuckerberg-platform-publisher-lawsuit>
- Ocasio, B. P. (2018, March 31). *Pulse families' lawsuit against Twitter, Facebook and Google dismissed*. Retrieved November 2020, from Orlando Sentinel:  
<https://www.orlandosentinel.com/news/breaking-news/os-pulse-families-social-media-lawsuit-dismissed-20180331-story.html>
- Reynolds, G. W. (2019). *Ethics in Information Technology* (6th ed.). Boston, MA, USA: Cengage Learning, Inc.
- Vera, A. (2018, April 1). *Pulse shooting victims' families say social media was partly at fault; a judge disagrees*. Retrieved November 2020, from CNN.com:  
<https://www.cnn.com/2018/03/31/us/pulse-nightclub-lawsuit/index.html>
- Weinstein, M. (2020, May 22). *Why social media censorship is worse than useless [Letter to the editor; Opinion]*. Retrieved November 2020, from New York Post: <https://nypost.com/2020/05/22/why-social-media-censorship-is-worse-than-useless/>