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### Banning Trump's Accounts: Politically Motivated or Infringing on Freedom of Speech?

Throughout Donald Trump's presidency, he has relied upon social media, particularly Twitter, to share news of his policy decisions, opinions, and spread hate at times. In the past year alone, President Trump has used his Twitter account to encourage his followers to act in ways that have turned violent, insult Black Lives Matter protestors, and target individuals with whom he disagrees. For years, many have called on Facebook and Twitter to censor or block Trump from using their platforms. It was not until the 2020 election cycle that Twitter began to censor his tweets relating to the election and Covid, labelling many as "false," "misleading," or "disputed."

In the three months since the 2020 presidential election where he lost to Joe Biden, President Trump has consistently denied the outcome of the election, refusing to concede, leading Twitter and Facebook to attach warning labels, while Twitter also took to blocking the visibility of certain tweets. He encouraged his followers to pressure their Congress members and electors to contest the results, support lawsuits, and continue to fight against the steal.

Leading up to the pro-Trump rioters attacking the Capitol on January 6, 2021, Trump's tweets encouraged his followers to treat the certification of the election results as an illegal affront against him, telling them to go to the Capitol. As the ambush on the Capitol continued, Trump was urged by his advisors, politicians, and others to denounce the violence, but he resisted. Finally, Trump made a tweet in which he did not condemn the violence and followed it with a video in which he told his supporters to "go home" and reminded them that they were special

and loved. Both Twitter and Facebook took down the video, but Trump followed with a tweet explaining that the day's events were an expression of his feelings. Twitter removed that tweet and locked his account for twelve hours, requiring the deletion of the recent tweets to regain access. The following day, Facebook suspended his account indefinitely and on Friday January 8, Twitter permanently blocked Trump's account.

For a lot of his followers, these actions caused a lot of uproar claiming the First Amendment protected Trump from being removed. On the other side, a lot of his opponents, while glad the platforms had finally acted, wished they had done so before, while some critics view the moves as politically expedient, occurring just before Democrats take control of Congress and the White House.

Over the last several years, Mark Zuckerberg, CEO of Facebook, has argued against taking down Trump's account, claiming he did not want to be in the business of restricting freedom of speech, and claiming that it was more important for the public to have access to political speech, even if it is controversial. With the announcement of Trump's suspension, Zuckerberg explained that he has now been suspended because the context is different, as Trump's words and posts directly incited a violent attack (Zuckerberg).

While many are arguing Twitter and Facebook overstepped their responsibilities and boundaries, violating the First Amendment by suspending Trump's accounts, this claim is false. The First Amendment protects individuals from government censorship. As social media platforms are owned by private companies, they can act how they please, as there are no laws restricting their ability to regulate their content. Furthermore, when creating his accounts, Donald

Trump agreed to the Terms and Conditions like everyone else. In particular, Twitter's terms state they can

“suspend or terminate your account or cease providing you with all or part of the Services at any time for any or no reason, including, but not limited to, if we reasonably believe:

- (i) you have violated these Terms of the Twitter Rules and Policies or Periscope Community Guidelines;
- (ii) you create risk or possible legal exposure for us;
- your account could be removed due to unlawful conduct;
- (iv) your account should be removed due to prolonged inactivity;
- or (v) our provision of the Services to you is no longer commercially viable.” (Twitter)

As Donald Trump agreed to these terms, and similar ones for Facebook, it was certainly well within the platform's rights to suspend his accounts. Those who are claiming that the platforms should have been required to block his accounts misunderstand why the platforms were able to block Trump's accounts in the first place. Facebook and Twitter are private companies, and as such they can act to restrict and regulate content as they see fit, in no way violating the First Amendment. However, if they were required by the government to regulate Trump's content, or anyone else's, that would be a clear violation of the First Amendment that protects freedom of speech from government regulation. To do so would be a slippery slope, that while could be claimed as protecting against hate speech, once the government starts regulating speech and social media platforms, it is unclear where the line to stop would be drawn.

Twitter and Facebook were within their rights and acted fairly and correctly in suspending Donald Trump's accounts after he incited the violence that occurred at the Capitol on

January 6. As many of Trump's posts have violated both platforms' terms, they should have acted earlier, given that for any other normal account they would have done so. While Zuckerberg's statement on providing access to a public figure's statements, despite the controversy, makes sense, their actions, both then and now, come off as trying too hard to protect against political actions against those in power—maintaining Trump's accounts while he and Republican's held the White House and Senate, and acting now as Democrats prepare to take control of Congress and the White House.

## Works Cited

Zuckerberg, Mark. Statement on Suspension of Trump's Account. *Facebook*, 6 January 2021, 10:47 am, <https://www.facebook.com/zuck/posts/10112681480907401>. 9 January 2021.

Twitter. "Ending These Terms." *Twitter Terms of Service*, 18 June 2020, <https://twitter.com/en/tos>. Accessed 9 January 2021.