

Freedom of Speech? Facebook Will Filter Out “Fake News”, Boston Mayor Bans Bad Mouthing of Olympics

By [Michael Krieger](#)

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In case you need a refresher, here's the text of the First Amendment to the U.S. Constitution:

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

Apparently, this doesn't apply to the Mayor of Boston when it comes to silencing the speech of public employees who may not like that the Olympics may be coming to town.

The [Boston Globe](#) reports that:

If you're a Boston city employee, there's now an official decree: don't badmouth the Olympics.

Documents obtained by the Globe through a public records request to City Hall show **Mayor Martin J. Walsh has signed a formal agreement with the United States Olympic Committee that bans city employees from criticizing Boston's bid for the 2024 Summer Games.**

The “joinder agreement” forbids the city of Boston and its employees from making any written or oral statements that “reflect unfavorably upon, denigrate or disparage, or are detrimental to the reputation” of the International Olympic Committee, the USOC, or the Olympic Games.

So supporting the Olympics is now a matter of national security. How cute.

Unfortunately, this is only one example of local authoritarians acting to curtail the free speech of the plebs. The [Daily Beast](#) reported on a very disturbing law that easily passed in Pennsylvania. Here are some excerpts:

Last Thursday – against the somber backdrop of an unfolding global dialogue on the sanctity of free expression – **I joined a small group of fellow journalists, academics, prison reform advocates and ex-offenders in a lawsuit challenging an assault on the First Amendment taking place in my home state of Pennsylvania.**

Dubbed the “Revictimization Relief Act” by its sponsors – but more appropriately referred to as the “Silencing Act” by the attorneys who crafted our complaint – the law provides for the suppression of public speech by Pennsylvanians who have been convicted of a personal injury crime if that speech is deemed to cause victims or their families “a temporary or permanent state of mental anguish.”

Never mind that the Supreme Court has ruled on numerous occasions that the mere incitement of emotional distress is insufficient grounds for quashing protected speech – the Silencing Act goes even further. It violates constitutional prohibitions against prior restraint by censoring speech that has yet to be uttered based solely on the criminal histories of those planning to utter it.

As if that’s not bad enough, what about the implications for journalism generally?

Given the intimate link between free speech and a free press, it doesn’t take much effort to connect the dots and see how the Silencing Act will impact the journalism profession. For reporters who cover the criminal justice system, the law amounts to a standing gag order on an entire population of potential sources.

As a lawyer for the Pennsylvania House Judiciary Committee explained during a hearing on the bill prior to its passage: “[T]he court would have broad power to stop a third party who is the vessel of ... [offender] conduct or speech from delivering it or publishing that information.”

Those third-party vessels include not only local and state-based news outlets in Pennsylvania, but national publications like this one that print articles from writers like me that shine a light on the commonwealth’s criminal justice system.

To avoid the law’s reach, journalists working on stories that involve sources who have been convicted of a violent crime will now face the additional burden of not only ascertaining the potential impact of that source’s testimony on their victims, but determining whether their victims are still alive and/or whether or not they have family members who might find the public testimony distressing. Added to that will be the ethical dilemma of deciding whether to notify inmates or ex-offenders who are unaware of the Silencing Act that what they are saying could be grounds for a lawsuit, or whether to contact victims for comment on a story knowing that they may take an adversarial position against publication of the final product.

In signing the Silencing Act into law, Governor Corbett (who was defeated in November and is now counting down his final days in office) has **placed the state of Pennsylvania in the unenviable position of defending a law that violates the very principles its largest city played host to creating.**

With all of this in the background, management at everyone’s favorite forum for sharing idiocy, Facebook, has decided that it’s contempt for users runs so deep that it must implement a tool for filtering out “fake news.” Because figuring things out for yourself with a quick google search is too much of an insurmountable task for the average Facebook user.

[CNN reports](#) that:

You've seen them in your feed: false reports of celebrity deaths, conspiracy theories presented as real news, promises of free iPads if you share a link, quotes attributed to the Pope that he never said.

Facebook hasn't hired a team of dedicated fact checkers to read every article. Instead, **it's outsourcing the task to community members with a new feature that lets anyone report news in their feed as a "false news story."** The more frequently a particular news story is reported, the less it will appear in anyone's feed on Facebook.

The new expanded menu appears when you click the arrow in the top right corner above a post. In addition to reporting "purposefully fake or deceitful news, a hoax disproved by **a reputable source,**" you can flag stories as spam, pornography, annoying, against your personal views, or violent.

Naturally, one person's reputable source is another person's hoaxer. As *CNN* notes...

Putting power in the hands of the people has the potential to backfire. Facebook users could band together and report true stories that they disagree with as false.

This is so obviously a stupid idea, that even the founder of fact-checking site Snopes, think it's a bad idea.

"I prefer allowing Internet users to have access to everything available without filtering (save for material deliberately intended to be harmful, such as scam- or malware- related posts) and let them decide how they want to deal with it," said David Mikkelson, co-founder of Snopes.com, one of the go-to sites for debunking hoax articles.

People tend to fact check their friends in the comments when they see hoaxes, Facebook said in a [blog post](#) announcing the new feature. The social network found that embarrassed users were twice as likely to go back and delete a post after friends called it out as wrong. **That could be a sign that the current system takes care of hoaxes naturally.**

"A good many people circulating them genuinely have doubts about their authenticity and simply want the reality check of seeing their falsehood confirmed by someone else," said Mikkelson, **"Because plenty of seemingly unbelievable news stories do turn out to be true."**

Indeed.

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Articles by: **Michael Krieger**

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