

Fixing the Fake News Problem: An Op-Ed response to Kevin Roose’s “Facebook Is Complicated. That Shouldn’t Stop Lawmakers.”

*Megan Gary is an undergraduate student at Longwood University in Virginia. She is a rising senior studying Political Science.*

UPDATED JULY 23, 2018, 10:10 PM

There are [214 million](https://www.statista.com/statistics/398136/us-facebook-user-age-groups/) Facebook users in the United States, with many of them being of voting age. While designed to be a social media cite with the purpose of enabling users to “[Connect with friends, family and other people you know. Share photos and videos, send messages and get updates](https://www.google.com/search?q=facebook&oq=facebook+&aqs=chrome..69i57j69i60l3j0l2.10208j1j9&sourceid=chrome&ie=UTF-8),” the site largely effected the outcome of the 2016 U.S. presidential election. This is unsurprising as 40% of [people surveyed](https://theconversation.com/in-the-era-of-fake-news-americans-would-like-to-change-the-media-model-99811) reported that they get their news from social media on a daily basis. Specifically, the effects of “fake news” spread on Facebook throughout the election season, has gained the attention of the public and U.S. legislators. What steps should congress take to limit fake news’ influence on the public in the future? This is a question that was on many minds in April, when [Facebook founder Mark Zuckerberg testified in front of Congress](https://www.nytimes.com/2018/04/11/technology/mark-zuckerberg-facebook-hearing.html).

Many solutions have been offered up to the Facebook problem, including breaking up Facebook by declaring it a monopoly or enacting a strict hate speech law such as the one Germany has. There are, of course, problems with these ideas. If congress wants to declare Facebook a monopoly, it would have to prove with no doubt that it has “exclusive possession or control of” social media. This is difficult with the social media platform Twitter currently having so much popularity. However, the other major social media platform, [Instagram](https://www.newsweek.com/facebook-own-instagram-does-companies-apps-data-860732), was bought by Facebook in 2012 for $1 billion could be seen as a step toward eliminating competition in the social media sphere.

Concerning the idea of a hate speech law similar to Germany’s, legislators here in the U.S. might find creating this type of law more difficult due to constitutional barriers. The [German law](https://www.bbc.com/news/technology-42510868) referenced was enacted at the beginning of 2018. It requires social media companies to quickly remove any posts contain hate speech or fake news from their websites. However, under the US Supreme Court case [Matal v. Tam](https://www.washingtonpost.com/news/volokh-conspiracy/wp/2017/06/19/supreme-court-unanimously-reaffirms-there-is-no-hate-speech-exception-to-the-first-amendment/?noredirect=on&utm_term=.71ec8d55cffa), it was found that creating laws that bar the use of hate speech or the like is unconstitutional under the first amendment. Facebook has added an option allowing users to report content that displays nudity, violence, harassment, suicide, false news, spam, unauthorized sales, or hate speech. However, the U.S. government cannot require the company to remove such posts without infringing on freedom of speech.

The first step that should be taken to reconcile the problem of fake news on the internet is that Facebook and other social media platforms should be held to the same standards with their ads as television and radio are. Internet ads should be required to disclose who is sponsoring them. In an attempt to address this, Mark Warner introduced a bill in congress called the [Honest Ads Act](https://www.npr.org/2017/10/19/558847414/what-you-need-to-know-about-the-honest-ads-act) that would require internet companies to disclose who sponsors ads on their websites. If the internet is to be used to advertise different political ideas and views, it should be held to the same standards that other advertising platforms are held to.

This, of course, is not a fix-all for the problems that we faced in the 2016 election concerning Facebook and the internet. There are many more issues that congress should address, such as Facebook’s collection and use of information on its users. It is important to look at and fix one problem at a time, though. As the internet is being used to advertise different political ideas and views, it just makes sense that it should be held to the same standards that other advertising platforms.

Citations:

"Facebook Users by Age in the U.S. 2018." Statista. Accessed July 24, 2018. https://www.statista.com/statistics/398136/us-facebook-user-age-groups/.

"Facebook." Facebook Business. Accessed July 24, 2018. https://en-gb.facebook.com/.

Fleurbaey, Marc. "Survey: In the Era of 'fake news', Americans Would like To change The media model." The Conversation. July 23, 2018. Accessed July 24, 2018. https://theconversation.com/survey-in-the-era-of-fake-news-americans-would-like-to-change-the-media-model-99811.

"Germany Starts Enforcing Hate Speech Law." BBC News. January 01, 2018. Accessed July 24, 2018. https://www.bbc.com/news/technology-42510868.

Godlewski, Nina. "Facebook Owns a Ton of Popular Apps, Here Are How a Few Big Ones Use Your Information." Newsweek. March 26, 2018. Accessed July 24, 2018. https://www.newsweek.com/facebook-own-instagram-does-companies-apps-data-860732.

Roose, Kevin. "Facebook Is Complicated. That Shouldn't Stop Lawmakers." The New York Times. April 11, 2018. Accessed July 24, 2018. https://www.nytimes.com/2018/04/11/technology/mark-zuckerberg-facebook-hearing.html.

Volokh, Eugene. "Opinion | Supreme Court Unanimously Reaffirms: There Is No 'hate Speech' Exception to the First Amendment." The Washington Post. June 19, 2017. Accessed July 24, 2018. https://www.washingtonpost.com/news/volokh-conspiracy/wp/2017/06/19/supreme-court-unanimously-reaffirms-there-is-no-hate-speech-exception-to-the-first-amendment/?noredirect=on&utm\_term=.71ec8d55cffa.

"What You Need To Know About The Honest Ads Act." NPR. October 19, 2017. Accessed July 24, 2018. https://www.npr.org/2017/10/19/558847414/what-you-need-to-know-about-the-honest-ads-act.