

US to probe Big Tech on 'stifling' free speech

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President Donald Trump's administration warned Wednesday of a possible legal crackdown on big technology companies over competition or political bias, in a bombshell announcement that came as social media executives were defending their policies before lawmakers.

The Justice Department statement appeared to escalate a war between the administration and Silicon Valley after a series of attacks by Trump claiming tech firms were biased against conservatives.

According to the statement, Attorney General Jeff Sessions will convene a meeting of state attorneys general later this month "to discuss a growing concern that these companies may be hurting competition and intentionally stifling the free exchange of ideas on their platforms."

The suggestions of legal or regulatory action caught many tech industry observers by surprise and came as lawmakers were holding hearings on foreign influence campaigns on social media and "transparency."

Daniel Castro, of the Information Technology and Innovation Foundation, said the intent of the statement was not clear, but that it was worrisome.

"Social media platforms have the right to determine what types of legal speech they will permit on their platforms," Castro told AFP.

"The federal government should not use the threat of law enforcement to limit companies from exercising this right. In particular, law

enforcement should not threaten social media companies with unfounded investigations."

Regulation or censorship?

Legal analysts have noted the government would have little recourse against any political bias even if proven because of constitutional free speech guarantees.

While antitrust concerns against Google and Facebook are to be expected, Eric Goldman of the High Tech Law Institute at Santa Clara University said it would be troublesome to use antitrust law as a guise for regulating speech.

"This (statement) makes me think antitrust is not the real goal, that the real goal is censorship," Goldman said.

"This could be broad action by the government to try to subvert the First Amendment."

Matt Schruers of the Computer and Communications Industry Association, a trade group that includes Google and Facebook, said tech firms "compete aggressively with one another as well as those outside of the technology sector" and that "consumers have many choices for information services and news sources online."

Collegial atmosphere

The administration statement came at the conclusion of a Senate Intelligence Committee hearing at which Twitter chief executive Jack Dorsey and Facebook chief operating officer Sheryl Sandberg testified.

The hearing offered a largely collegial atmosphere in which the executives and senators spoke of the need for further efforts to thwart foreign influence campaigns on social media.

Dorsey said the messaging service was set up to function as a "public square" but had failed to deal with "abuse, harassment, troll armies, propaganda through bots."

"We aren't proud of how that free and open exchange has been weaponized and used to distract and divide people, and our nation," he told senators.

Sandberg repeated Facebook's acknowledgements about failing to crack down on influence campaigns stemming from Russia that interfered with the 2016 US presidential election.

"We were too slow to spot this and too slow to act," Sandberg told the panel. "That's on us. This interference was completely unacceptable. It violated the values of our company and of the country we love."

Lawmakers welcomed the comments but expressed concern about whether enough was being done.

"If the answer is regulation, let's have an honest dialogue about what that looks like," said Senator Richard Burr, the committee chairman.

Senator Mark Warner told the hearing that social media firms "were caught flat-footed by the brazen attacks on our election" and added: "I'm skeptical that, ultimately, you'll be able to truly address this challenge on your own."

The Senate was followed by a House panel session on "transparency and accountability," where Dorsey rejected claims of political bias.

"Twitter cannot rightly serve as a public square if it's constructed around the personal opinions of its makers," he told the panel. "We believe a key driver of a thriving public square is the fundamental human right of freedom of opinion and expression."

In the House, Dorsey faced harsher comments from some lawmakers including Republican Billy Long of Missouri, who complained that his "personalized" feed was dominated by news from sources he disagreed with.

"They're all pretty much Trump-bashing," Long said of the recommended articles.

But Democrat Paul Tonko of New York expressed dismay "that our Republican colleaues have called this hearing to rile up their base and give credence to unsupported conspiracies."

Trump stepped up his criticism of social media in an interview with the right-wing Daily Caller, saying the companies "were all on Hillary Clinton's side, and if you look at what was going on with Facebook and with Google and all of it."

Outside the Senate hearing, right-wing conspiracy theorist Alex Jones criticized tech firms for curbing his social media efforts.

Jones, whose Infowars site has been praised by Trump, denounced what he called "a plan to deplatform conservatives, just like communist China," adding, "this is dangerous, authoritarianism."

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