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FALSE INFORMATION ABOUT COVID IN AMERICAN SOCIAL NETWORKS

Summary: *The existence of a great amount of Covid-related false information on social networks has created serious problems in the fight against the disease. Because of Constitutional limits on its powers, the government is unable to police this information. After a long period of inaction, social networks began to take serious steps to remove this false information. However, there is a political split in the country over the amount of content control that should be exercised by semi-monopolistic organizations such as Facebook and Twitter.*

Keywords: *Social networks, covid, censorship, defamation, free speech.*

Extensive false information about Covid in the social media has been leading to the spread of the disease and has been discouraging vaccination. Under the United States Constitution, as interpreted by the Supreme Court, the government may not prevent the posting of such information, force the removal of the information, or cause the removal of user accounts or discussion groups spreading the information. In contrast the main social media companies, such as Facebook and Twitter, are free to remove individual posts, cancel user accounts, and remove discussion groups.

The Constitutional limits on the power of the government to limit free speech are set by the Supreme Court in *Brandenburg v. Ohio* [1], in which the Court held: "Accordingly, we are here confronted with a statute which, by its own words and as applied, purports to punish mere advocacy and to forbid, on pain of criminal punishment, assembly

with others merely to advocate the described type of action. Such a statute falls within the condemnation of the First and Fourteenth Amendments".

Thus the government cannot punish or prevent mere advocacy against wearing masks or receiving vaccination.

Likewise the government cannot punish those making false statements concerning Covid. In the United States the highest award of the armed forces is the "Medal of Honor." Even a general must salute a private wearing this medal. In 2005 Congress adopted the Stolen Valor Act, which defined the crime of falsely claiming to have received orders or medals and which provided stricter punishment if the false claim was about the medal of honor. In the case of *United States v. Alvarez* [2], the accused admitted that he had falsely claimed to have received the Medal of Honor, but appealed his conviction on the ground that the Stolen Valor Act of 2005 was unconstitutional. The Supreme Court found this law unconstitutional as violating the First Amendment to the Constitution, which guarantees freedom of speech. The effect of this decision of the Supreme Court was to establish the right to lie. This right is very important now when there are many false posts about Covid-19 in US-based social networks.

However, social media networks, such as Facebook and Twitter may censor posts, may remove users, and may delete discussion groups. Traditionally, print publishers, such as newspapers and magazines, have exercised editorial control over the publication of letters to the editors, reader opinions, and paid advertisements. However, this control has come with major risks under the laws on defamation. A newspaper that exerts editorial control, even if only some of its content, is considered a "publisher" and as such is subject to liability for defamation if it publishes harmful false information about an individual or organization. Section 230 of the Communications Decency Act provides in relevant part [3]: ". . . No provider or user of an interactive computer service shall be treated as the pub-

lisher or speaker of any information provided by another information content provider. . ."

Since the "provider or user of an interactive computer system" may not be treated as a "publisher speaker," neither a provider nor user may be responsible under the law of defamation for information provided by another, even if this provider or users engages in some editorial control. Thus Facebook and Twitter are not responsible for posts and tweets even though if they were newspapers (rather than interactive computer services, they would be responsible for all posts and tweets with defamatory conduct if they edit any of them. Further someone who retweets is not responsible for the content of tweets since the information retweeted was provided by "another".

At the time of American elections in the fall of 2020, it became clear that many members of one political party were against wearing masks, while most members of the other party were for masks [4]. The most popular person on Twitter in 2020, with around 80 million followers, was the President, who constantly retweeted various negative opinions about masks [5]. The chief White House medical advisor tweeted in October 2020 that masks are unnecessary and actually cause heart problems, but Twitter removed the tweet [6].

A number of antimasker groups were on Facebook, but were removed by Facebook. For instance Facebook removed the "Unmasking America" group, which had over 9000 members [7].

Unlike masks, vaccination did not become a political issue until 2021. The Trump administration made hugely successful efforts to support the development of Covid vaccines and the Biden administration has run a major vaccination campaign. For many years "antivaxxer" groups were popular on Facebook. However, more recently Facebook has steadily increased its efforts to remove posts and groups peddling false information about the safety of vaccines [8].

Luckily for the researcher, one can find many deleted Internet pages on the very helpful site "archive.org." This site

regular makes "snapshots" of the whole Internet and saves. This site is very useful, not only for historians, but also for lawyers, who may find information that opposing parties in lawsuits have deleted from their website. For instance one can find since removed antivaxxer pages by searching in "archive.org" for <https://facebook.com/StopMandatory-VaccinationNow>.

But even after expulsion from Facebook, this organization has continued to maintain its own website with the same kind of false information at <https://www.stopmandatory-vaccination.com/>. Facebook can do nothing about it.

Facebook also removed the Instagram page of one of the most dangerous antivaxxers, a nephew of the late United States President John F. Kennedy.

In answer to the censorship of posts by Facebook and Twitter, a relatively new social network, Parler, with a policy of freedom of speech, began to expand rapidly. I signed up for Parler and found there a very active discussion among anti-maskers, anti-lockdowners, and antivaxxers. However, because of the many dangerous posts on Parler, Amazon, one of the largest supplier of "cloud computing" in the United States, refused to supply services to Parler, which was shut down and has a hard time finding a new a company willing ot support its services. A lawsuit by Parler against Amazon, failed [9].

President Trump's personal account was removed by Twitter in January 2021. ["Permanent suspension of @realDonaldTrump," https://blog.twitter.com/en_us/topics/company/2020/suspension.html] In late March 2021, an advisor to former President Trump announced that Trump was going to start his own social network [11].

A committee of the United States House of Representatives held a hearing in March 2021 on problems of Internet censorship by social networks and on the possibility of revising Section 230 of the Internet Decency Act. The hearing exposed a deep divide along party lines, with Democrats demanding more censorship of material they considered

false and dangerous and Republicans demanding less censorship reflecting their belief that much of existing censorship reflected a left-wing bias [11].

Thus the proper role of social media companies in editorial control of social media remains a subject of active debate.

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ПАНДЕМИЯ И ИНФОРМАЦИОННЫЕ ПРАВА ГРАЖДАН: ОПЫТ УЗБЕКИСТАНА

Аннотация: В статье рассматриваются вопросы обеспечения прав и свобод человека и гражданина в период пандемии, делая акцент на том, что органы государственного управления должны в полном объеме уважать право на свободное выражение мнений и право на доступ к информации, ограничивая их только в пределах, допускаемых международными стандартами. Дается краткий обзор принимаемых мер, направленных на защиту информационных прав граждан в Республике Узбекистан.

Ключевые слова: Республика Узбекистан, права и свободы человека и гражданина, государство, информация, информационные права, чрезвычайная ситуация, пандемия.

Пандемия COVID-19: вызов человечеству.

2020 год не принес человечеству ни мира, ни спокойствия, ни улучшения качества жизни людей, ни их защищенности. Сформировалось «поле напряжения», которое взрывается все чаще кризисами, вооруженными конфликтами, эпидемиями, материальными лишениями.

2020 год был годом юбилеев:

- 75-летие Великой Победы человечества над фашизмом и первого в истории человечества Нюрнбергского судебного процесса;
- 75-летие образования Организации Объединенных Наций;