



Public Comment Appendix for

2020-005-FB-UA

Case number

Case description

A user in the US was prompted by Facebook's "On This Day" function to reshare a "memory" in the form of a post that the user made two years ago. The user reshared the content. The post (in English) is an alleged quote from Joseph Goebbels, the Reich Minister of Propaganda in Nazi Germany, on the need to appeal to emotions and instincts, instead of intellect, and on the unimportance of truth. Facebook removed the content for violating its policy on dangerous individuals and organisations. The user indicated in their appeal to the Oversight Board that the quote is important as the user considers the current US presidency to be following a fascist model.



Public Comment Appendix for

2020-005-FB-UA

Case number

The Oversight Board is committed to bringing diverse perspectives from third parties into the case review process. To that end, the Oversight Board has established a public comment process.

Public comments respond to case descriptions based on the information provided to the Board by users and Facebook as part of the appeals process. These case descriptions are posted before panels begin deliberation to provide time for public comment. As such, case descriptions reflect neither the Board's assessment of a case, nor the full array of policy issues that a panel might consider to be implicated by each case.

To protect the privacy and security of commenters, comments are only viewed by the Oversight Board and as detailed in the [Operational Privacy Notice](#). All commenters included in this appendix gave consent to the Oversight Board to publish their comments. For commenters who did not consent to attribute their comments publicly, names have been redacted. To withdraw your comment, please email contact@osbadmin.com.

To reflect the wide range of views on cases, the Oversight Board has included all comments received except those clearly irrelevant, abusive or disrespectful of the human and fundamental rights of any person or group of persons and therefore violating the [Terms for Public Comment](#). Inclusion of a comment in this appendix is not an endorsement by the Oversight Board of the views expressed in the comment. The Oversight Board is committed to transparency and this appendix is meant to accurately reflect the input we received.

2020-005-FB-UA

Case number

PC-00017

Public comment number

United States and Canada

Region

Omair

Commenter's first name

Shahid

Commenter's last name

English

Commenter's preferred language

American Citizen

Organization

No

Response on behalf of organization

Short summary provided by the commenter

A quote posted by itself without any additional commentary seems to satisfy the necessary requirement of "context that neutrally discusses the content." Also, a living person posting a quote attributed to a deceased person should not count as the equivalent of the deceased person "maintaining a presence (for example, have an account, Page, Group) on our platform".

Full Comment

Given that a quote posted by itself without any additional commentary seems to satisfy the necessary requirement of "context that neutrally discusses the content.", this seems to me to be a question of whether posting a quote from a deceased person, counts as the deceased person "maintaining a presence (for example, have an account, Page, Group) on our platform". A living person posting a quote on their own page that is attributed to a deceased person, simply should not count as the equivalent of the deceased person "maintaining a presence (for example, have an account, Page, Group) on our platform" because the examples that are given of what constitutes "a presence" does not include a single solitary post that merely references an individual. Even if the relevant clause was to be interpreted broadly enough to somehow include individual posts on a Page among the listed examples, the clause still implies active ownership and agency on behalf of the actor, which obviously does not and could not apply to a deceased person. Lastly, it is interesting to note that the supposed violation occurred as a "Memory" resharing a post from two years ago, raising the question as to why the content was not considered to be potentially violating Facebook's policy originally?

Link to Attachment

No Attachment

2020-005-FB-UA

Case number

PC-00044

Public comment number

United States and Canada

Region

Robert

Commenter's first name

Dale

Commenter's last name

English

Commenter's preferred language

The Gathering Place

Organization

Yes

Response on behalf of organization

Short summary provided by the commenter

We have observed the lack of common sense by Facebook's internal Community. People will often post something to expose a philosophy with which the poster does not agree. They want to expose the philosophy as dangerous. However, FB cannot tell the difference between agreement and exposure. They wrongly think a post is always agreement, which is quite ignorant. Further, FB has no clear standards. We have never seen a DO NOT POST LIST of memes or links. Yet, FB unleashes harsh responses when they do not understand the poster's intent to expose and the Appeals Process is almost non-existent (very few are reviewed). This is tyrannical behavior and constitutes cyberbullying. FB is not private, because they accept payments. Thus, they are PUBLIC.

Full Comment

We have observed a lack of common sense by Facebook's internal "Community." We the members are the true Community, but no one ever asks us what we think. They merely speak for us without our consent. Further, FB has no clear standards. We have never seen a DO NOT POST LIST of memes or links. The so-called policies are vague and unspecific. Yet, FB unleashes harsh responses when they do not understand the poster's intent to "expose the works of darkness" (Ephesians 5:11) and the Appeals Process is almost non-existent (very few are reviewed). The poster is guilty without a hearing. This is tyrannical behavior and also constitutes cyberbullying. Like a child who lives under the whims of a narcissistic parent who leashes out their rage without clear guidelines or warning, the poster is often left wondering what happened and "how could they miss my point?!" People (members) will often post something to expose a philosophy with which the poster does not agree. They want to expose the philosophy as dangerous or in error. However, FB employees and robots cannot tell the difference between agreement and exposure. They wrongly think a post is always in agreement with the message being exposed, which is quite ignorant. Members are deprived of the Right to respond as adults to the content and engage in meaningful discussion without the Nanny-control of FB employees. The American Founding Fathers called this "repression of dissent" and it is unfitting for anyone to perpetuate such repression of

Free Speech. The US Supreme Court ruled on a similar case in the early 1980s that businesses are barred from limiting Free Speech, even on their own property, etc. FB is NOT private, because they accept payments. Thus, according to Law, they are PUBLIC -- not private! And their actions to act like they are private in their wild and incessant censorship are unlawful, at best. Most often, it comes down to the difference of opinion of the FB reviewer on duty, in our observation. Millions of people have been leaving FB over the past few months, due to FB's extremely harsh policies and behavior. If you remember MySpace, we believe FB will be joining them soon, unless they change their bullying activities. We have all had enough of it!

[Link to Attachment](#)

No Attachment

2020-005-FB-UA

Case number

PC-00049

Public comment number

United States and Canada

Region

Withheld

Commenter's first name

Withheld

Commenter's last name

English

Commenter's preferred language

Withheld

Organization

No

Response on behalf of organization

Short summary provided by the commenter

Yes, it was I who Posted the Joseph Gerbil Comment which was found on <https://www.jewishvirtuallibrary.org/joseph-goebbels-on-the-quot-big-lie-quot>.. It is part of History and it has been repeated in the news many times.. (see) https://www.news-graphic.com/opinion/you-ve-been-goebbled-my-friends/article_5a858d52-043f-11e7-aa56-3b02ecc06ed4.html.. (see) Also on www.mediapost.com.. Again, this man is dead so how can it violate the rules.. Second, the Quote does not promote Violence..

Full Comment

The quote is simple stating what has been said by this administration (Steve Bannon) and if it has been in the News, if the Jewish Groups recognize the quote and believe it has happened and happening in America, How can this be in ANY violation.. This was Posted 2 years ago and again in February of this year but in no way does it promote Violence or Hate Speech.. Then to Ban me from all of my Friends all over the world, cut off my communication is a Child like punishment.. I have dealt with Facebooks' Personal opinions before but was found not to be wrong.. You also have a code of Freedom of Speech.. Granted, some may not like the uniform but in No Way am I condoning Violence or Hate Speech.. It is History and the comparisons to what this Administration is and has been doing up to the date of 12/03/2020.. Lastly, this would of been in sooner except, Facebook does not make this Oversight Board easily accessible. In the beginning I am asked to download the file.. Well, after 4 hours, the "File" NEVER appeared.. It has only taken me days to find this Comment Section.. Why does someone have to jump through so many Hoops just to get a reprieve of something that was Posted 2 years ago? Lets be Adults and Fair about these Actions.. As a Stock Holder, I am considering Selling all of my Stocks.. I am Angry that you Pre-Judge and take action without consideration.. A simple back and forth could of settled this case.. The only reason I am not in favor on Posting my Name is, look at the crazies who want to kill innocent People for counting the Presidential Votes be they Republican or Democrat.. Simply stating, "History repeats itself".. Thank you

Link to Attachment
No Attachment

2020-005-FB-UA

Case number

PC-00069

Public comment number

United States and Canada

Region

Nicholas

Commenter's first name

Richards

Commenter's last name

English

Commenter's preferred language

Public

Organization

No

Response on behalf of organization

Short summary provided by the commenter

Quotes from people flagged due to Facebook's policy on Dangerous Individuals and Organizations should not be automatically removed if presented with accurate historical context and doesn't provide a call to actionable violence or violate other policies.

Full Comment

Removing posts containing a quote solely because the originator of the quote has been flagged as a "Dangerous Person or Organization" should not happen. The context of the quote in question and the post should be the determining factors. If the quote itself is not harmful in any way and wouldn't be removed for breaking any other policies, it should remain up. If the quote in question is harmful, but the purpose of the post is to point out the harm or danger of the quote's position, the post should remain up. If the quote is harmful and either there is no context provided or the context of the post is supportive of the quote, then the post should be removed. At no point should the identity of the originator of the quote come into the determination of whether or not to keep the post up. In this specific case, it seems from the data provided that the post was removed simply because the quote came from Joseph Goebbels, which is irrelevant to whether or not the post should remain. The quote itself is about appealing to emotion rather than logic in order to sway public opinion, which is a valid strategy in politics. The context of the post seems to be equivocating President Donald Trump with Joseph Goebbels. As a conservative and as a voter for President Trump, this is perfectly acceptable. The users of Facebook should be free to express support or disdain for publicly elected leaders of any country as long as they aren't advocating for violence or making claims in bad faith (arguments that are demonstrably false which the user themselves does not believe to be true, but which, if believed by their target audience, would lead to an outcome that the user desires). Simply put, a Facebook user who posts a quote from a Nazi leader, where the text of the quote does not break Facebook's policies, where the context is comparing a potential political strategy of the current President of the United States of America to the political strategy of the aforementioned Nazi leader should not be removed by Facebook.

Link to Attachment
No Attachment

2020-005-FB-UA

Case number

PC-00079

Public comment number

United States and Canada

Region

Jesse

Commenter's first name

Blumenthal

Commenter's last name

English

Commenter's preferred language

Stand Together

Organization

Yes

Response on behalf of organization

Short summary provided by the commenter

This submission argues that (1) the Oversight Board has promise, (2) the information provided about this cases and the other initial cases is insufficient to allow for meaningful public input, (3) this specific instance of a share a “memory” prompt combined with ever-shifting Community Standards policies undermines the perceived legitimacy of content moderation, and (4) there is a better set of principles for the Board to rely on in this case and beyond.

Full Comment

To the Oversight Board: On behalf of Stand Together, I write to comment on one of your first cases, 2020-005-FB-UA. However, the sparse public description of the case limits the usefulness of our comments and the comments of other third parties. Therefore, our comments also speak to the Oversight Board’s process beyond this specific case. The Oversight Board promises to improve Facebook’s commitment to free expression on its platform. For more than two years, I and other colleagues in the Stand Together philanthropic community have engaged with Facebook staff, Oversight Board staff and members, and others in civil society on the development of the Oversight Board. When the board launched, I wrote about that promise. “I hope its members will take to heart the lessons that Facebook has clearly learned over the past several years...A company in the business of connecting the world is well-served by having voice be its preeminent value. Defending free expression is rarely popular, but it is the right thing to do.” But how the Board operates, what information it has access to, and what information it releases will determine if it achieves its promise. This first round of cases puts that in doubt. The 113-word case description provided provides only limited facts. Important context is missing. Did the user include commentary on the reposted quote? What was the actual text of the quote in question? Was additional information conveyed by images associated with the post? Did a human who might appreciate this context review this post prior to the case reaching the Oversight Board? Depending on how these questions are answered, it is of course possible that the reposted information could lead to “real-world harm.” But neither we nor any other third-party commenter have the answers. This same structural flaw is true for the other initial cases released by the Board. If

Facebook is serious about making voice its preeminent value and if the Oversight Board is serious about prioritizing free expression, then the speech in this case should be restored. Nothing in the limited facts presented indicates that suppressing this speech would “prevent and disrupt real-world harm” or achieve the other broad aims of this policy. The answer to bad speech is more speech, not less. Indeed, the Dangerous Individuals and Organizations policy is unnecessarily broad in a way that provides Facebook discretion to ban wide arrays of legitimate expression. Both Stalin and Mao are responsible for tens of millions of deaths. Julius Caesar claimed to have killed 2 million. Should quotes by them or by senior officials in their regimes be banned? Judging purely from what has been provided, the case seems clear: this speech should be allowed. Two years before this repost, the user was permitted to post a historical quote. Two years later that same content was removed when reposted (after Facebook’s algorithms suggested it). The user clearly expresses a strong viewpoint. Upholding the removal of this speech would further undermine the legitimacy of Facebook’s rules. Content that was permissible two years ago and was suggested by the Facebook algorithm was removed for violating a policy that was changed as recently as two months ago. Facebook can of course adjust its Community Standards. But the rapid and regular promulgation of new policies coupled with inconsistent enforcement undermines the perceived legitimacy of Facebook’s private governance. The Oversight Board has emphasized its commitment to privacy at length. But claims of protecting a user’s privacy fall flat when the user is requesting an appeal to the Oversight Board that has a public consultation as a part of this process. Privacy should not be an excuse to withhold the underlying information in this case. Perhaps it is necessary to redact some information (like a user’s real name) in limited cases, but the presumption should be that all relevant information is made public. There is a better approach for Facebook and the Oversight Board. It is the approach that has made the United States the unquestioned global leader in technology: American businesses can and should be principled entrepreneurs. Facebook is no exception. As Mark Zuckerberg said in a speech at Georgetown University, “I’m proud that our values at Facebook are inspired by the American tradition.” This includes American speech values that have been spread widely by American technology, and thank goodness. But it may not always be that way. As Zuckerberg noted in the same speech, “Until recently, the internet in almost every country outside China has been defined by American platforms with strong free expression values. There’s no guarantee these values will win out.” If Facebook is committed to the value of voice and if the Oversight Board is committed to prioritizing free expression, then it should establish those values as paramount. Stand Together has published a set of Principles for Continued American Tech Leadership that I would encourage this board to apply in this case and others. We note that freedom of speech and association are essential to our society. Private companies are free to set appropriate rules for speech that serve their consumer base. But they should resist efforts by governments to limit lawful speech and should refuse to become a passthrough for government action. Companies should also be skeptical of outside interests who lobby them to limit expression. And they should strive to create clear, understandable, and accessible rules to be enforced in an equitable and transparent manner. In this case, Facebook has fallen short of these ideals. I encourage Facebook and the Oversight Board to consider these principles as guidance to improve how it moderates content and ultimately to benefit the public. Jesse Blumenthal Vice President, Technology & Innovation Stand Together Chamber of Commerce

Link to Attachment

[Attachment PC-00079](#)

2020-005-FB-UA

Case number

PC-00088

Public comment number

Europe

Region

Monica

Commenter's first name

Horten

Commenter's last name

English

Commenter's preferred language

Independent scholar and author

Organization

No

Response on behalf of organization

Short summary provided by the commenter

This submission offers insights to Case Number 2020-005-FB-UA, drawing on a post from the UK that seems to use the same quote. A/Context matters: the UK post illustrates how the quote can be used as a political commentary and an important counter-narrative (not a terrorist threat). B/The right to freedom of expression and content removal: Facebook does not merely remove content, but takes ancillary actions, such as warnings, strikes or blocks. Such actions, as well as content removal, engage freedom of expression rights under European and UK law.

Full Comment

This submission offers insights to Case Number 2020-005-FB-UA, drawing on a post from the UK that seems to use the same quote. It highlights how Facebook takes ancillary actions other than 'merely' removing the content. These actions - warnings, 'strikes' or blocks - engage the right to freedom of expression. They must also be taken into account when assessing interference with rights, along with redress to the user. What is known and not known about Case Number 2020-005-FB-UA: There is little information about the post in this case, other than an indication of the quote used and the US context. We know nothing about any other notifications received by the user. Did they try to appeal to Facebook? What was the response and the timeline? Nor do we know what actions Facebook took, if any, beyond removing the content. We don't know whether the quote was posted on a personal account or Page. This makes a difference. It provides the specific context for publication. For a Page, the effect of the removal on reach and engagement is significant. An ancillary restriction may also have been placed on the user's personal account. The normative content of the post: This post from Leeds for Europe (see image on attached pdf) would seem to use the same quote as in Case Number 2020-005-FB-UA. Its intention is to make a commentary on the current state of UK politics and certain tendencies observed in the government, which is described by some as 'Trumpian'. The user who posted it sought to warn against tendencies in contemporary Britain that could be similar to the onset of the Third Reich in Germany in the 1930s. Context matters: The Leeds for Europe post was placed on a Page intended

for people who are concerned about UK politics and wish to uphold European values (23,629 people follow it). In the general context of contemporary British politics, and in the specific context of the Page, the meaning of this post would be understood. Far from being offensive or a terrorist threat, it is an important counter-narrative. This is not a defence of Goebbels' views, rather it is a defence of the right to discuss his views in order to explain to people the insidious ways in which democratic politics can be manipulated. The action taken by Facebook with regard to this post: The post was, as in Case Number 2020-005-FB-UA, unilaterally removed by Facebook under its Community Standards policy: 'Dangerous Individuals and Organisations'. This is Facebook's policy designed to address terrorism content. The individual who shared this posts is an ordinary British citizen, one of many volunteer supporters of a civil society political campaigning organisation in the city where he resides. These people are not terrorists. From a legal perspective, this content is lawful under UK law. A question is raised as to whether there is a cross-border effect with regard to Facebook's obligations under Germany's Network Enforcement Act (NetzDG). Leeds for Europe was warned that the Page was at risk of being unpublished. This warning is what Facebook terms a 'strike'. The significance is that the strikes are added up by Facebook. With each additional strike, the warning is increased. The ultimate threat is unpublishing – removing the Page. So each time a Page gets a strike, it matters. There is no transparency around Facebook's scheme for 'strikes' and it is not known, for example, how many strikes lead to unpublishing, and what other sanctions may be incurred. Ancillary actions: It would be a mistake to make a judgement about the removal of this content based on the normative aspects alone. It is important also to consider Facebook's actions. Removing or blocking content engages the right to freedom of expression. The way that blocks or removals are implemented matters. Procedural safeguards and remedies should be available to users. With regard to the 'strikes', there is ample evidence in the EU and UK public policy arena of previous attempts to introduce strikes schemes through public law. They failed, but a key take-way is that both the service provider's actions and the sanctions must be precisely defined. In my research, I have identified a number of instances where Facebook not only removes content, but also takes some form of ancillary action. Where it does so, the impact on the user is wider than what it would be if 'only' the offending content were removed. In the attached pdf, I explore this point by drawing on two examples using other quotes attributed to Joseph Goebbels, with a similar meaning and intention. Not only was content removed, they were prevented from going live or posting for 30-60 days. The effect was to reduce the reach of the Pages by more than 94%. Interference with freedom of expression: Facebook is acting unilaterally. Its criteria do not relate to the law, but to its own Terms and Conditions. It is using automated methods not only to scan and identify the content but also to orchestrate the ancillary actions. The matter raises serious questions regarding human rights law under Article 10 of the European Convention on Human Rights, which continues to apply in the UK. Given Facebook's de facto monopoly, this represents an interference with the right to freedom of expression. If this were a State actor, it would raise questions regarding the legality principle, as well as issues of public accountability and transparency. If the Board decides in favour of the user in Case Number 2020-005-FB-UA, will it also offer redress to other affected users, such as the cases outlined here?

Link to Attachment

The attachment is being withheld as it did not comply with our [Terms for Public Comment](#).

2020-005-FB-UA

Case number

PC-00095

Public comment number

United States and Canada

Region

Daniel

Commenter's first name

Gainor

Commenter's last name

English

Commenter's preferred language

Media Research Center

Organization

Yes

Response on behalf of organization

Short summary provided by the commenter

Once more, it appears that Facebook was overly zealous in its content takedown. We are meant to learn from history so we can avoid similar horrors.

Full Comment

This content removal is almost Orwellian. Following this policy, we can't even cite history so we can learn from it. Whether I agree with this poster or not (and I suspect I don't), the Nazis are thought of as the worst villains in history with good reason. They not only tried to conquer the world, but medically and scientifically slaughtered 6 million Jewish people in a nightmarish genocide. Somehow, we should hope that people would learn from this awful moment in history to prevent another such catastrophe of evil. Yet, genocides continue. And rather than allow posters to comment on the past, Facebook is trying to erase it. But only selectively. Communists killed far more than Nazis by tens of millions, yet posts supporting communism are allowed. So, while one despicable ideology is now banned by Facebook, the other equally horrible belief system flourishes on Facebook. This is the danger of playing censor. The site actively removes some offensive beliefs and embraces others. Let people post about history. And as long as they aren't organizing a criminal/terrorist organization, leave them alone. As Benjamin Franklin explained, "Whoever would overthrow the Liberty of a Nation, must begin by subduing the Freeness of Speech." Such subduing is a thing the Facebook Oversight Board ought not allow. For "Freedom of Speech is ever the Symptom, as well as the Effect of a good Government," said Franklin.

Link to Attachment

No Attachment

2020-005-FB-UA

Case number

PC-00104

Public comment number

United States and Canada

Region

Christopher

Commenter's first name

Koopman

Commenter's last name

English

Commenter's preferred language

Center for Growth and Opportunity
at Utah State University

Organization

No

Response on behalf of organization

Short summary provided by the commenter

This comment focuses on four points. First, the information provided to solicit public participation is insufficient to allow for meaningful discussion of the nuances surrounding the subject posts. Second, the “Dangerous Individuals and Organizations Policy” (the “Policy”) is too broad when applied to historical figures. Third, the Policy is inconsistently applied, rendering it ineffective and counterproductive. Fourth, retroactively applying the Policy to a “Memory” undermines Facebook’s credibility in content moderation.

Full Comment

[NOTE: See attachment for full comment with references] We thank the Oversight Board (the “Board”) for the opportunity to contribute comments as you deliberate these important issues around the future of free speech and social media. Recognizing the Board’s unique challenges, our comment discusses aspects of the case on appeal as well as more general aspects of the process of public participation in these proceedings. This comment focuses on four points. First, the information provided to solicit public participation is insufficient to allow for meaningful discussion of the nuances surrounding the subject posts. Second, the “Dangerous Individuals and Organizations Policy” (the “Policy”) is too broad when applied to historical figures. Third, the Policy is inconsistently applied, rendering it ineffective and counterproductive. Fourth, retroactively applying the Policy to a “Memory” undermines Facebook’s credibility in content moderation. Case Descriptions Have Insufficient Detail The public was provided a 113-word description of the subject post, told the violating content was a quote which the Board summarized, and given a paraphrase of the user’s argument on appeal. Without more context, we cannot determine the user’s intention or the impact of the post. Instead, the public must rely solely on inference and speculation. This weakens the likelihood that the Board will receive substantive responses that it may rely upon to make meaningful policy recommendations. In order to receive substantive responses through this comment process, as much detail as possible should be provided. In this case, we should be able to view the exact quote, its visual depiction, any accompanying

text, and any subsequent comments. The Dangerous Individuals and Organizations Policy is Too Broad The Policy was written with the stated rationale of “prevent[ing] and disrupt[ing] real-world harm.” While decisions to remove individuals may be controversial, Facebook’s use of the Policy to remove active users that Facebook has deemed harmful is discernable (e.g., Alex Jones and Louis Farrakhan). These are living individuals advancing points of view in violation of Facebook’s policies. Extending the Policy to historical figures, however, regardless of how abhorrent their points of view, is fraught with problems. There is a clear difference between the acts of acknowledging, referencing, and promoting. Even the darkest parts of our history must be acknowledged. If a reference to a Nazi leader is made to caution against current trends, this is far from promotion. Moreover, it is not clear what standard Facebook is using to determine whether an historical figure is a “dangerous individual” under the Policy. The Policy does not seem to allow for differentiation among notable historical figures who were responsible for both achievement and atrocities in their own time. Genghis Khan, for example, is consistently ranked as one of the world’s most influential leaders. However, in his time, he was responsible for the death of eleven percent of the world’s population. Still, a search of “Genghis Khan” returns public promotional posts from Facebook accounts like 23andMe and The British Library. Applying the Policy’s text across-the-board, using specific acts of egregious conduct as the standard for removal implicates a large number of other historical figures referenced in user posts. Some examples include Che Guevara (“multiple murderer”), Pontius Pilate (“mass murderer”), President Andrew Jackson (“human trafficker”), or Joshua of Jericho’s fame (“mass murderer”), each of whom is connected with events that fall within the broad definitions laid out by the Policy. The Policy is Applied Inconsistently Extending the Policy to historical figures is problematic enough. However, Facebook’s inconsistent application of its policies to living individuals renders the Policy ineffective and counterproductive. While Alex Jones has been banned from Facebook under the Policy, his presence on Facebook remains. Among a number of groups and pages dedicated to him, a “best of” and “meme” page both exist in violation of the Policy. The same is true for posts referencing Joseph Goebbels. A quick search of the platform returns a number of pictures of the Nazi figure as well as videos of Goebbels giving speeches. These posts also include direct references to Goebbels and members of the current US President’s staff. In fact, the President-Elect has also used a misquote of Joseph Goebbels to compare the current President to the Nazi propagandist. Not only is the Policy an ineffective approach to achieving the stated policy rationale, it likely fuels speculation that the removal of content under the Policy is animated by other considerations that leave users singled out and marginalized. Retroactive Application is Unhelpful As the Librarian of Congress noted nearly a decade ago when the Library of Congress announced it would be archiving public tweets, “The Twitter digital archive has extraordinary potential for research into our contemporary way of life.” Our social media feeds act as a collective memory, and erasing such content risks removing important pieces of our history. Moreover, applying policies retroactively when the harmful content has already been allowed for an extended period of time has little value in preventing harmful effects. The post on appeal had been active for two years and only received negative treatment when it was reshared. While it is true that previously posted content that is acceptable today may not be tomorrow, as policies evolve we recommend interstitials or hidden posts rather than complete takedowns. We thank the Board for the opportunity to provide comments. Christopher Koopman, Executive

Director Will Rinehart, Senior Research Fellow Caden Rosenbaum, Technology and Innovation Associate

Link to Attachment

[Attachment PC-00104](#)

2020-005-FB-UA

Case number

PC-00106

Public comment number

United States and Canada

Region

Tuscaloosa

Commenter's first name

Reigney

Commenter's last name

English

Commenter's preferred language

Individual

Organization

No

Response on behalf of organization

Short summary provided by the commenter

I believe this post is being misrepresented.

Full Comment

I believe the post here is not represented to the fullest. I mean, if you have a right to call Trump a fascist, then you should have a right to compare him to an actual fascist. This is all blown out of proportion.

Link to Attachment

No Attachment

2020-005-FB-UA

Case number

PC-00114

Public comment number

Europe

Region

Jacob

Commenter's first name

Mchangama

Commenter's last name

English

Commenter's preferred language

Justitia

Organization

Yes

Response on behalf of organization

Short summary provided by the commenter

There was no indication that the user was advocating violence. The user did not explicitly adhere to the position of Goebbels. Instead, he quoted the Nazi Minister of Propaganda with no other caption or sentence adhering or supporting violence, terrorism, organised hate as set out in the policy. The user is not proclaiming a violent mission but rather using the statement of the Nazi propaganda minister to reflect his/her outlook on the (then) US presidency. Removing posts of ordinary citizens for hyperbolic criticism of powerful politicians and public officials would undermine the ideal of free expression and serve to protect the powerful against the powerless.

Full Comment

2020-005-FB-UA Facts A user in the US was prompted by Facebook's "On This Day" function to reshare a "Memory" in the form of a post the user made two years ago. The user reshared the content. The post (in English) is an alleged quote from Joseph Goebbels, the Reich Minister of Propaganda in Nazi Germany, on the need to appeal to emotions and instincts, instead of intellect and on the unimportance of truth. Facebook removed the content for violating its policy on Dangerous Individuals and Organizations. The user indicated in their appeal to the Oversight Board that the quote is important as the user considers the current US presidency to be following a fascist model. Contextual Issues The user res-hared content (that had not previously been removed probably due to higher thresholds of protections to free speech) quoting Goebbels. Facebook's policy on Dangerous Individuals and Organisations prohibits the proclamation of a violent mission or engagement in violence. However, there was no indication that the user was advocating or disseminating violence or a violent mission. The user did not explicitly adhere to the position of Goebbels. Instead, he quoted the Nazi Minister of Propaganda with no other caption or sentence adhering or supporting violence, terrorism, organised hate, mass murder, trafficking or organised violence as set out in the policy. In light of his comments made to the Oversight Board and the potential temporal framework that this 'memory' was shared (during the run-up to the 2020 U.S. elections), it is reasonable that the user was juxtaposing the quote of the

propaganda minister of Nazi Germany to the reality of the (at the material time) US presidency. The user was thus wanting to contribute, albeit polemically and controversially to a debate of public interest. Facebook simply removed the content (which it had not previously done so) as it was a quote from an authoritative person during Nazi Germany with no consideration to the aim/context/purpose/effect of the post within the Dangerous Individuals Organisations policy context. Hyperbole is a manner of political speech. To illustrate, one can turn to, for example, the comparison of a Danish Prime Minister to Nazis in a Guardian Cartoon and the depiction of Trump giving a Nazi salute in a German newspaper. Relevant Rules As noted above, the post was not violating the Dangerous Individuals and Organizations Policy as the user was not promoting real-world harm. Instead, the user was contributing to a debate on an issue of public interest (namely the US presidency) albeit through a polemical/vivacious/controversial tone. To this end, the Oversight Board, should view this case within the sphere of public speech/contribution to political debate by juxtaposing a quote of a Nazi minister to the US presidency (at the material time). The effect of this removal was nothing more than silencing/censorship of such debate muting criticism of powerful States, in this case, the USA. Interpreting this policy so broadly and within such contexts functions as a de facto anti-defamation protection of powerful politicians. In this ambit, it must be underlined that defamation and libel laws concerning politicians must be narrowly interpreted. As noted in General Comment 34 of the Human Rights Committee, ‘all public figures, including those exercising the highest political authority such as heads of state and government are legitimately subject to criticism and political opposition.’ As noted by the US Supreme Court in *New York Times Co. v. Sullivan*, ‘debate on public issues should be uninhibited, robust, and wide-open, and that it may well include vehement, caustic, and sometimes unpleasantly sharp attacks on government and public officials’. The European Court of Human Rights (ECtHR) has held that politicians are required to tolerate more criticism because of the public interest in an open debate. For example, in *Lingens v Austria*, the ECtHR noted that ‘the limits of acceptable criticism are...wider as regards a politicians as such than as regards a private individual. Unlike the latter, the former inevitably and knowingly lays himself open to close scrutiny of his every word and deed by both journalists and the public at large and must consequently display a greater degree of tolerance.’ Going along this route, Facebook should have allowed the post to remain only, not only for the reasons stated above in relation to not reaching the thresholds of dangerous individuals or organisations but also due to the fact that the user was trying to make a political point against the (then) US presidency, albeit in a hyperbolic or polemical manner. Conclusion In sum, it is evident that the post is not reflective of terrorist activity or organised hate and does not seek to cause real-world harm. The user is not proclaiming a violent mission but rather using the statement of the Nazi propaganda minister to reflect his/her outlook on the (then) US presidency. Such content should be considered a core part of political debate. Removing posts of ordinary citizens for hyperbolic criticism of powerful politicians and public officials would undermine the ideal of free expression and serve to protect the powerful against the powerless.

[Link to Attachment](#)

No Attachment

2020-005-FB-UA

Case number

PC-00124

Public comment number

Europe

Region

Withheld

Commenter's first name

Withheld

Commenter's last name

English

Commenter's preferred language

Withheld

Organization

No

Response on behalf of organization

Short summary provided by the commenter

Whether one considers the decision of FB to remove the contextless Goebbels quote to be ap-proprate depends on how one interprets "to have a presence on Facebook" in No. 2 of the Community Standards (CS). Having balanced the pro and cons of simply keeping the post re-moved or restoring it in the original way, an alternative of proceduralizing the conflict is proposed: restoring the case with a commenting addendum – possibly also with a further hint to the OSB-processing of the case.

Full Comment

Whether one considers the decision of FB to remove the contextless Goebbels quote to be ap-proprate depends on how one interprets "to have a presence on Facebook" in No. 2 of the Community Standards (CS). FB itself explains this expression in an exemplary way, which prob-ably means: not exhaustive, also in No. 2 of the CS: "for example, have an account, page or group". According to this explanation, a single quotation from J. Goebbels, who can undoubtedly be characterized as a "dangerous individual", does not fall under "having a presence on Face-book". "Having a presence" seems to refer more to long-term communicative interaction. This probably does not refer to a single post. According to this interpretation, the removal of the post would have to be reversed. In my opinion, the post should also be restored if the approach of the affected account or its en-tire history clearly demonstrates no sympathy with the "dangerous individual" mentioned at all. An antifa group or a documentation centre on Nazi dictatorship will obviously not be accused of glori-fying the "dangerous individual" Josef Goebbels. However, where there are doubts regarding contextualization of the post within the "account, page or group", FB seems from an ethical point of view to be entitled to use the non-exhausting vagueness the explanation of "having a presence" opens up to minimize the risk that one of the most "dangerous individuals" in history will eventually be praised. The doubts if praising Goebbels was the original intention would certainly have been dispelled if the user had already attached the explanation put forward in their appeal to the original post. Then it would have been clear that it was not a glorifying but a critically used quotation. Against the background of the given information, I am not able to judge how credible this explanation was. But instead of

simply keeping the post removed or restoring it in the original way, an alternative could be to proceduralize the case: it might be possible (and desirable to offer this proposal for future decision-making) that attaching such an explaining comment could trump the original good reason for the removal and therefore, the post could be restored with such a commenting addendum – possibly also with a further hint to the OSB-processing of the case. In short: My result is not "Reinsertion: Yes or No", but an assessment combined with a proposal on adjusting the procedures: The post can be reinstalled under the condition it will be added with a supplementary comment (and, if wanted, with a reference to the treatment by OSB).

[Link to Attachment](#)

Withheld



Public Comment Appendix for
2020-005-FB-UA
Case number

End of public comments