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**Thinking Clearly and Speaking Freely – Part 11: Unnecessarily Flagging the
"R" Word**

by

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I get that the Biden Administration doesn't want two straight quarters of decline in GDP – Gross Domestic Product – to be labeled a recession. The "R" word is a bug with a high degree of political toxicity.

And I get that, while recessions most often have been defined as two successive quarters of GDP decline, there are differing views among economists regarding whether that is the most appropriate "technical" definition. Or whether it should qualify as the "official" definition.

What I don't get is why Meta Platforms' Facebook and Instagram sites would deem it necessary, or even helpful, to choose sides in the back-and-forth labeling debate that, to put it politely, is laden with partisan overtones, especially as the midterm elections approach.

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But come to think of it, maybe it is the partisan stakes in the "R" word definitional battle that motivated Facebook and Instagram to jump into the fray. To paraphrase Louis in the movie Casablanca: "I'm shocked, shocked, that politics is going on in Facebook!"

Here's what happened.

As the [Washington Times](#) and [Reason](#) reported, Facebook and Instagram flagged as "false" posts criticizing the Biden Administration for changing the recession definition after the report of the second successive quarter decline in GDP. The offending Facebook post read: "Even if Thursday's GDP report shows a second consecutive quarter of negative growth, you won't hear the Biden admin using the R-word." Relying on Meta's PolitiFact's "fact-checkers," Facebook's tag stated: "No, the White House didn't change the definition of 'recession.'"

The offending Instagram post had relied on Apple's Siri for a definition. Siri, although not a Nobel laureate in economics, responded that a recession is "a period of temporary economic decline during which trade and industrial activity are reduced, generally identified by a fall in GDP for two successive quarters." Meta's PolitiFact concluded that Siri "has no official stature" and that the two-quarter yardstick "has never been official." According to PolitiFact, the National Bureau of Economic Research has the final say as to whether the nation has endured a recession.

I'll readily concede that flagging these posts regarding the definition of the "R" word are by no means the most egregious or consequential examples of social media moderation censorship we've witnessed over the last couple of years. Here I could point to the suppression of the Hunter Biden laptop story or the COVID origin story as more egregious and consequential.

Nevertheless, the unnecessary – and silly – flagging of the "R" word should cause those at the top of Facebook and Instagram, maybe even Facebook's Oversight Board, to consider a suggestion I offered earlier in this now eleven-part ["Thinking Clearly About Speaking Freely"](#) series. In [Part 8](#), I suggested that platforms like Twitter and Facebook that claim they wish, in the main, to be akin to public squares, should adopt an explicit "free speech" presumption in their terms of service. This presumptive provision would declare that content will not be removed or otherwise restricted absent clear and convincing evidence that the speech violates some clearly delineated content prohibition. And as an integral part of this "free speech" default, the terms of service should include procedures for prompt escalation and meaningful supervisory review of initial "take down" decisions.

With such a "free speech" presumptive default in place, Facebook and Instagram should not have been so quick to stick a "false" flag on posts claiming that the Biden White House was attempting to redefine a recession. This would appear to be another instance where the public's interest in being informed would be best served by allowing the content originators to make their cases freely without having moderators put their weight on one side of the scale or the other. Surely the nation's fate doesn't hinge on how a recession is "technically" or "officially" defined, even if the political prospects of the Biden Administration or a political party might be adversely impacted. Such political harm, were it to occur at all, is not the type of "harmful" conduct, alongside "harassment," "abuse," "threats of violence," "hateful conduct," "sexual content," identified in the major platforms' terms of service as generally warranting imposition of restrictions.

Let me be clear. I am not suggesting, and I have no evidence, that the determination to slap the offending Facebook and Instagram posts with a "false" tag was coordinated with, or directed by, the Biden Administration. Of course, if it were, then, as I pointed out in [Part 9](#) of this series, the social media platforms would forfeit their claim to the First Amendment protection to which, as private entities, they otherwise would be entitled. In certain instances, the actions of private parties may be considered "state action" if there is a "close nexus" or "pervasive entwinement" between the government and the private entity. Then, as the Supreme Court put it in [Brentwood Academy v. Tennessee Secondary School Athletic Association](#), seemingly private actions "may be fairly treated as that of the State itself."

On this score, an August 4 blog, ["Evidence of Public – Private Collusion Complicates Online Censorship Debate,"](#) by American Enterprise Institute Visiting Scholar Bret Swanson is instructive. His post presents troubling newly uncovered evidence indicating the major social media platforms closely collaborated with the Center for Disease Control and Prevention to suppress COVID-related information in a way that may violate the First Amendment.

And, relatedly, Tunku Varadarajan's August 5 ["Weekend Interview"](#) in the *Wall Street Journal* with Nadine Strossen, a former American Civil Liberties Union president widely admired for her principled free speech advocacy, is well worth reading. Ms. Strossen says, "the greatest censorial power today is wielded by private-sector actors who are completely immune from any kind of First Amendment recourse." Absent convincing evidence of government-private sector coordination to suppress speech, Ms. Strossen likely would defend Facebook's and Instagram's First Amendment right to tag as "false information" the posts regarding the recession definition.

But Facebook and the other major platforms – and the American public – should take seriously Ms. Strossen's closing admonition that "we need to find some solution to the fact that if you do not have equal access to these powerful platforms, you are not going to be able to participate equally as a member of our democratic society."

Highlighting the concern with overly censorial social media moderation, and addressing potential solutions, is the objective of this ["Thinking Clearly and Speaking Freely"](#) series. So, there's more to come.

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