

Facebook's Political Ad Policy: Getting Paid for "Free" Speech

By Anne Luquette, J.D. Candidate 2022 | October 24, 2019

Mark Zuckerberg recently gave a [speech](#) at Georgetown University defending [Facebook's policy](#) that allows political ads with inaccurate or baseless information to remain on its site. Zuckerberg stated that the policy promotes "free expression" by giving users the "power to express themselves." In support of this proposition, Zuckerberg referenced the First Amendment, Martin Luther King, Jr., and emphasized the corporation's commitment to the United States' long-standing values of free speech.

Facebook's policy came under scrutiny when the Trump campaign circulated a "30-second video ad that falsely claimed [Joe] Biden committed corrupt acts in Ukraine" – an allegation for which Trump is being investigated. Biden's campaign requested that Facebook take down the ad, but it [refused](#), citing the same free speech concerns echoed by Zuckerberg.

Since Facebook adopted this policy, several high-profile individuals have stressed the dangers associated with allowing political candidates – mainly the Trump campaign – to pay for the digital dissemination of blatantly false information. For example, Marc Benioff, the CEO of Salesforce, has been [vocal in his disapproval](#) of Facebook's policy, demanding Congress enact legislation barring false advertisements on social media.

Recently, Elizabeth Warren took more [drastic measures](#) and purchased a fake ad that claims Mark Zuckerberg endorses Donald Trump for re-election. In response to Facebook's acceptance of the ad, Warren tweeted that "Facebook [is throwing] its hand up to battling misinformation in the public discourse, because when profit comes up against protecting democracy, Facebook chooses profit."

Moreover, Bernice King, Martin Luther King, Jr.'s daughter, publicly addressed Zuckerberg's reference to her father in his recent speech, [tweeting](#) that the "disinformation campaigns launched by politician . . . created an atmosphere for [MLK's] assassination." She further stated that "King knew that democracy . . . requires a deep foundation of truth, or it is a house upon sand."

Facebook has remained steadfast in its position of promoting free expression on its social platform and still refuses to remove any erroneous political ads. With that said, the widespread



discontentment with Facebook's policy may give rise to possible changes in federal legislation. Specifically, [47 U.S.C. § 230](#) – which limits many social platforms' liability for unconstitutional speech because these companies are not considered “publishers” of user information – may be called into question. Perhaps Congress will respond to the barrage of false political advertisements by reducing the standard of liability for platforms that have less control over the content generated on their sites.