

## BARTH: Exercising (private) judgment is not censorship

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Question of the day: What is censorship?

I didn't go to law school or play an attorney on TV, but over a very long career in journalism one of my particular areas of interest has been the intersection of media and law. The foundation upon which journalism rests is the First Amendment, empowering the press to hold authorities high and low accountable for their actions. That's why, many years ago, I made a decision to publish the text of the First Amendment to anchor the top of this page.

Regulars know the paper often has asked readers to take a look and digest that all-important text. It is brilliant. Inspired and inspirational. Unambiguous. Establishing a series of rights that distinguish and protect the individual from government authority, giving the powerless voice to challenge the powerful.

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It's also frequently misunderstood, as some current controversies illustrate.

The key words are "Congress shall make no law." In a practical sense that means the government does not have the authority to shut down the press, to stop citizens from expressing their opinions, or to prevent individuals from joining together in dissent. The First Amendment includes other rights, but let's focus on these today.

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It is not censorship when the press decides what stories to cover, or not cover. It is not censorship, or “cancel culture,” when the press declines to publish a letter to the editor, or excludes an inflammatory or inaccurate quote from a source, or explains that a given claim is false. That is an exercise of editorial judgment, not government censorship. Remember, “Congress shall make no law” does not mean a private company cannot exercise judgment based on its own standards.

The same concept applies today with Twitter, Facebook and others. Full disclosure, I am definitely not a fan of social media. I think it has played an oversized role in degrading civility and encouraging vulgarity by enabling the expression of people’s worst instincts, then using algorithms to amplify the exact opposite of what Lincoln called our better angels. What once seemed like a good way to celebrate babies and puppies is often a sewer for trolls these days.

A day late and a dollar short the social media giants now are trying to police content that goes over the edge in falsehoods, disinformation and incitement. The cry of “censorship” has followed, but that’s wrong. These are private companies deciding to exercise a certain level of judgment and control over what shows up on their platforms. My only complaint is why it took them so long.

Which brings up Section 230 of the Communication Decency Act of 1996. It states, “No provider or user of an interactive computer service shall be treated as the publisher or speaker of any information provided by another information content provider.” Simply put, that means social media platforms and others using the internet have immunity for what’s on their sites.

By contrast, newspapers and broadcasters have First Amendment freedoms to publish but can be held legally liable for bad behavior. That’s among the reasons editorial judgment is exercised in the overall effort to maintain high journalistic



standards.

There's support on both sides of the political divide for reforming, or even repealing, Section 230. Doing so just might raise standards and return some degree of improved civility online.


No doubt, some angry folks would whine about their posts being policed and cry censorship. One more time, it's not. Congress would not be making a law abridging freedoms. It would be extending the concept that even free speech can have consequences and liabilities. People like to say freedom comes with responsibilities. It certainly should.

### Success and the DBA

A few days ago the Downtown Beloit Association held its annual meeting, virtually. There were a number of award recipients including me, with the DBA giving me something they called the Legacy Award. It cited 40-plus years as a journalist in the Stateline Area, leading me to joke to friends and family that I think the real meaning is I'm old.

Seriously, thanks. I'm honored.

Other recipients were incredibly deserving, one and all, and in my view especially Andrew Janke who was recognized for the early years of building the DBA and subsequently for leading the city's development efforts.

But I want to observe the real hero all these years has been the DBA itself. It has been a public-private partnership committed to rebuilding the city's central commercial district. The DBA was formed at a time when downtown was slowly sliding into 

deeper decay. Empty storefronts increased annually, consumer traffic was fading, and hardly anyone was willing to invest money downtown. The DBA became a catalyst to leverage public programs, private entrepreneurialism and an army of volunteers to revive prospects. The results speak for themselves.

Obviously, the Hendricks organization has been the leading player. But it wasn't all Diane and the late Ken Hendricks' doing. Other businesses and organizations large and small jumped in and backed their beliefs in the downtown with their dollars, working closely with the DBA to maximize impact.

It's a terrific success story and has made Beloit a place other communities look to for guidance. A lot of people and a lot of organizations have played significant roles, and all can take pride in a job well done. Just don't get the idea the work is over. Let's keep it going.

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