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Debate: Should we reform Section 230 to rein in big tech?

Jonathan Edwards

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Recently, after the New York Post, the nation's fourth-largest newspaper, published a report implicating the overseas exploits of Democratic presidential candidate Joe Biden and his troubled son Hunter, Facebook and Twitter immediately took steps to suppress the story. At the time of this writing, the Post had also been banned from its own Twitter account for over two weeks. The fallout has brought attention back to Section 230 of the Communications Decency Act of 1996, a legal provision from the early Internet era that was intended to grant many websites legal immunity for third-party content on their platforms.

Is it finally time to reform this provision once and for all, or would such reform efforts actually be detrimental and/or counterproductive to the declared goal of its proponents to protect the ideological diversity and robustness of the online language?

Will Chamberlain of the Internet Accountability Project debates Matthew Feeney of the Cato Institute on Section 230 reform in our latest Tekk.tv "Debate of the Week". We hope you enjoy the exchange.

Josh Hammer is Tekk.tv opinion editor, a columnist for syndicated columnists and a research fellow at the Edmund Burke Foundation.

Reform Section 230 now

By Will Chamberlain, lead attorney, the project on accountability on the Internet

Some slopes are really slippery. Two years ago Twitter banned conspiracy theorist Alex Jones from its platform, claiming that his account "violated its policy of abusive behavior. This month, Twitter blocked the accounts of White House Press Secretary Kayleigh McEnany, the official account of the Team Trump campaign and even the New York Post for publishing emails that strongly suggested that Hunter Biden was peddling influence and sending bribes to former Vice President Joe Biden. In other words, Twitter is interfering with the Biden Harris ticket.

Something is wrong, and it looks like there is finally an impetus to use legislation to bring these arrogant technology giants under control. The Senate Judiciary Committee has just voted to subpoena Jack Dorsey of Twitter and Mark Zuckerberg of Facebook to explain to Congress why their companies are interfering in the election.

Read this story

Leave Section 230 alone

By Matthew Feeney, Director, Cato-Institute project on new technologies

In 1996, Congress passed the Communications Decency Act, which includes Section 230. The Act provides for interactive computer services with exemption from liability for almost all damages caused by third-party users. It has fostered innovation and entrepreneurship, allowing start-ups to experiment with

new ideas and products without having to employ a large team of lawyers to monitor forums, comment sections and event sites. Unfortunately, this widely misunderstood law is under attack from both sides. Critics of “big tech” should proceed with caution when considering the reform of Section 230.

Section 230 focuses on personal responsibility. The law states that you – and not the service with which you share content – are responsible for what you publish. There are a few exceptions, but by and large, Section 230 leaves responsibility for online postings to the responsible editor: the user.