



The Daily Dish

Internet Week at SCOTUS?

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This is a big week for the internet at the Supreme Court of the United States (SCOTUS). Justices will hear arguments in two cases that focus on Section 230 of the Communications Decency Act of 1996. Section 230 gives internet platforms immunity for content users post on their sites, while also giving them the discretion to remove content they consider inappropriate. (In its entirety, it reads: “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.”)

Section 230 has been the source of ongoing controversy recently, with Republicans arguing it has harmed free speech, while Democrats tend to argue it has allowed disinformation. These cases – *Gonzales v. Google* and *Twitter v. Taamneh* – both revolve around speech and anti-terrorism laws. The litigant in *Gonzalez v. Google* accuses Google’s YouTube division of breaking the law by including ISIS videos in algorithmically generated recommendations made to users.

For this reason, expect a lot of arguments revolving around freedom of speech. But Section 230 has also been called the [26 words that invented the internet](#) and is central to the economics of the digital economy. There is a real economic risk presented by the possibility that SCOTUS would (in the extreme) strike down Section 230. For this reason, AAF has filed an [amicus curiae brief](#) regarding the case.

The brief is short and straightforward. It makes three points:

- Congress intended Section 230 to provide a competitively marketplace for all sizes of firm, unburdened by legal claims targeting third-party content shared on a provider’s platform;
- The evidence is that Section 230 protections have spurred widespread economic progress and generated millions of jobs;
- To not put that growth at risk, the Court should read Section 230 to hold that the provision immunizes service providers from claims that target their display of third-party content of potential interest to their users.

AAF’s bottom line is simple: Section 230 is about a lot more than speech and the Court should recognize its importance as economic policy.