



October 28, 2020

Dear Chairman Roger Wicker, Ranking Member Maria Cantwell, and members of the Senate Committee on Commerce, Science, and Transportation,

The undersigned organizations are thinktanks, nonprofits, academics, and trade organizations that represent American civil society in its fight for free enterprise and free expression online. We write to underscore that Section 230 of the Communications Decency Act of 1996 is critical to giving voices to the voiceless, helping small businesses grow, and keeping vile content and disinformation off the internet.

Section 230 has provided America's tech companies with unparalleled success internationally thanks to the common-sense rule that wrongdoers are legally responsible for their own activities. Contrary to popular belief, this means platforms *are* criminally liable when *they* break the law.

Now more than ever, online platforms are integral to our daily lives in this unprecedented pandemic. Every day Americans use their smartphones to talk to loved ones far away, buy their groceries on digital marketplaces, and share news on social media platforms. The very sites we rely on--Pinterest, NextDoor, Yelp, Instagram, YouTube, GoFundMe, and hundreds more--exist because of Section 230.

Section 230 also helps us connect with our families, our communities, our customers, our small businesses, and turns us all into creators. Without it, the internet by the people, of the people, for the people, would disappear--taking hundreds of online communities and places of genuine joy with it.

Almost every website we use on a daily basis is built on Section 230's foundational principle— you write it, you're responsible for it and all its online and offline consequences.

Consider these everyday uses of the internet, all of which are built and rely on Section 230:

- We read product reviews and comments on almost every digital marketplace from Amazon and Etsy to Yelp and Postmates. Millions of America's online marketplaces, large and small, take advantage of Section 230 to build trust and customer relationships in new markets.
- We learn and research using Wikipedia, Google, and YouTube. Wiki platforms rely on user-generated content to create their comprehensive encyclopedias and fact-

check the accuracy of their entries. Without Section 230, all that real-time, user-generated content at best slows to a glacial pace or at worst, disappears altogether.

- We share public reactions to local, national, and global events as well as news articles, and opinions on Twitter, Facebook, and even newspaper comments sections. The virality and public nature of the modern news cycle depends on reporters and everyday Americans interacting digitally with one another for everyone to see. Section 230 empowers those connections.
- We care and share with our friends, our families, and our professional networks every day on social media—everything from the latest selfie or wedding announcement to medical and mental health anxieties. Supporter groups for anxiety, depression, and addiction would lose the vast network websites provide on top of losing the best way to contact one another in times of crisis. Our families would lose the ability to contact their emigrant family members or, more currently, their kids socially distanced in different states.
- We create online by encouraging the next big small business, artist, or Cards Against Humanity on Etsy and Kickstarter. Without Section 230, crowdfunding and lower barriers to entry for the next big business would disappear. This would leave hundreds of American entrepreneurs in the dust and at the mercy of big banks and lending requirements. Section 230 empowers businesses created by entrepreneurs and lets them grow beyond their wildest dreams.

Importantly and in addition to the daily uses, Section 230 is what creates local and global movements—giving voices to the otherwise unheard. Social media platforms, relying on Section 230, empowered movements like the Arab Spring, #MeToo, and so many more that haven't even sprung up yet. Social media and Section 230 even made possible things like the Ice Bucket Challenge and virtual pet adoption fairs. Women's empowerment organizations use these networks to communicate, share intelligence, and better their practices to create the best outcome possible. Social workers gain the ability to feel a sense of community and belonging by airing their anxieties with their peers in different counties and states.

Section 230 enables and encourages content moderation. Every day social media platforms balance free expression with online safety. That means working out how to take down as much of the really ugly stuff (violent, libelous, and potentially dangerous posts) as they can, while also enabling legitimate forms of speech. Section 230 enables these user-generated platforms to feel comfortable handling billions of posts and dollars a day on their sites.

And while it's not foolproof, users still receive more content than they would without Section 230 and content moderation policies. Without Section 230, the user-generated platforms Americans use daily would become unrecognizable. Websites would face potentially enormous liability hosting user-created content. That would leave websites with a few basic options: write it all themselves and become the author and filter, strictly limit

user-generated content so all we see is Baby Shark, or adopt an anything-goes strategy that allows all content, including dark and despicable posts, to remain up.

Without Section 230, platforms couldn't moderate without risking legal liability. Without platform liability assurances, platforms likely wouldn't remove bot accounts and spam. Without Section 230, most online platforms would not risk engaging in the removal of pornography and other inappropriate content.

When looking at Section 230 we ask that you remember that if we make changes to Section 230 we risk foreclosing on the future of the Internet.

Please continue to protect free enterprise and free expression. Do not change Section 230.

Sincerely,

Copia Institute
Innovation Defense Foundation
Libertas Institute
NetChoice
National Taxpayers Union
Pelican Institute
R Street
Taxpayers Protection Alliance