



The Daily Dish

Internet Censorship

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Eakinomics: Internet Censorship

It used to be that the tech giants could do no wrong. Today, however, Facebook, Apple, Amazon, Google, and the other Silicon Valley successes are political footballs. The administration and Congress are looking for [antitrust violations](#), each day brings new demands on privacy and data security, and now Congress is meddling with Internet censorship. Specifically, Senator Josh Hawley proposed legislation entitled “[Ending Support for Internet Censorship Act](#).” Since nobody supports such censorship, the title alone should set off warning bells.

The issue of policing the content that passes through Internet platforms is not new. Indeed, as described by AAF’s Will Rinehart in his [review](#) of the Hawley bill, a 1995 case involved the online service [Prodigy](#), which was accused of defamation because of comments by an anonymous user in an online forum. This presented platform companies with a devil’s choice: heavily vet and edit content, a costly proposition that risked stifling legitimate speech, or keep hands completely off the content, which risked turning the platform into a vile cesspool of undesirable content.

Congress stepped in and passed [Section 230 of the Communications Decency Act](#). As Rinehart explains: “Section 230 has been a valuable law for tech companies that operate platforms. The first part of the law establishes that ‘computer service’ providers and their users aren’t to be ‘treated as the publisher or speaker of any information provided by another information content.’ The second provision explains that

No provider or user of an interactive computer service shall be held liable on account of any action voluntarily taken in good faith to restrict access to or availability of material that the provider or user considers to be obscene, lewd, lascivious, filthy, excessively violent, harassing, or otherwise objectionable, whether or not such material is constitutionally protected.

“In other words,” notes Rinehart, “the law allows companies to police their platforms for objectionable material, within reason, without having to worry too much about First Amendment protections. Such freedom has allowed companies to maintain higher standards for content on their platforms than otherwise might be possible.”

Senator Hawley proposes to modify Section 230 to provide those same immunities only if the Federal Trade Commission (FTC) certifies that the platform is nonpartisan.

There are a lot more details but that is really all one needs to know. First, there is no real evidence that anything is broken. You might suspect that one platform or another leans toward one ideology or another, but you always have the option to avoid that platform and use another. This is a problem best fixed by consumer pressures, not political pressures. And the notion that the FTC (or any other agency) is the right entity to ensure the nonpartisanship of a platform is simply Orwellian. The first time it made an unpopular call, the decision would get kicked to Congress. The way not to ensure nonpartisanship is by injecting partisan politics.