



The Daily Dish

# The Section 230 Chronicles, Act I

DOUGLAS HOLTZ-EAKIN | OCTOBER 29, 2020

## Eakinomics: The Section 230 Chronicles, Act I

CEOs Jack Dorsey (Twitter), Sundar Pichai (Google), and Mark Zuckerberg (Facebook) were the audience for a special performance of Senate drama yesterday. The occasion was a Senate Commerce Committee [hearing](#) entitled “Does Section 230’s Sweeping Immunity Enable Big Tech Bad Behavior?” This is the first of two hearings – the second will be in the Judiciary Committee – on the same topic.

Weirdly, however, the scripts seemed to have gotten mixed up. Republicans decried the bias of tech platforms and called for intrusive government regulation. Democrats by and large defended the importance of personal freedoms, the importance of respecting consumer choices, and the power of enabling competitive conditions. And sometimes the actors, er Senators, seemed to switch scripts. Senator Cory Gardner started out with concerns of anti-conservative bias, including asking about the political leanings of employees, but arrived at the conclusion that as much as he didn’t like the companies’ actions, the government would be worse, as “you cannot unsubscribe from government censors.”

Even the CEOs demonstrated a less than unified message. Twitter and Google defended the importance of Section 230, with Twitter emphasizing improving transparency around its decisions and Google focusing on the internet’s equalizing impact and the importance of Section 230 to consumers and platforms of all sizes. Facebook expressed an openness to regulation on content moderation including changes to Section 230.

But there were moments of insight and education. Senator Jerry Moran picked up on an excellent line of questioning about why we should be concerned about the impact that changes to Section 230 could have on smaller companies and consumers. This hints at an issue that deserves more attention in the debate over [Section 230](#): market dynamics.

The liability protections afforded by Section 230 make it easier for new platforms to start up; there is no discipline like the possibility of losing your customer base to a new entrant. And the content moderation protection permits platforms to tailor their content to the tastes of their users – or not. There is nothing better for consumers than having the ability to choose among alternatives for the content they prefer and for new platforms to serve consumers they view as currently unserved. In this way, Section 230 is an essential framework for a vibrant, innovative market of dynamic competition – a point spelled out nicely by AAF’s Jennifer Huddleston in her latest [insight](#).

I’m shallow, so I enjoyed the theatrics – there was lots of yelling, and the Democrats repeatedly complained that the only point of the hearing was to intimidate the CEOs just before an election. But one must not lose sight of the seriousness and importance of protecting speech and competition on the internet, and that this is a debate that will continue after next Tuesday’s election.