



## Press Release

# Content Moderation, Section 230, and The First Amendment

ALLISON EDWARDS | MAY 28, 2020

President Trump is expected to sign an executive order regulating social media companies based on free speech concerns, after Twitter placed a fact check on one of his tweets. Yet the rationale for such regulation misunderstands the fundamentals of free speech and misreads the underlying case law, writes AAF's Director of Technology and Innovation Policy Jennifer Huddleston, and government-imposed neutrality on the internet will likely silence more speech rather than enable it.

Her central points:

- The First Amendment applies to government action regarding speech and not to the content moderation of private entities such as social media platforms, and ironically government regulation of social media could itself be a First Amendment violation;
- Courts have repeatedly held that social media platforms are not public squares when it comes to their decisions to allow or disallow speech; and
- Government efforts to impose fairness on social media platforms could backfire by constricting the number of voices and platforms available to people with a variety of tastes.

[Read the analysis.](#)