

Press Release



Lawmakers' Misguided Approach to Social Media Content Moderation

PAULINA ENCK | MAY 5, 2022

Elon Musk's purchase of Twitter has amplified the already contentious debate over the proper scope of content moderation on social media websites. In a new insight, Director of Technology and Innovation Policy Jeffrey Westling explains the potential pitfalls of Congress' current proposals to regulate social media and online speech, as well as the risk of distorting market forces by political jawboning.

Key points:

- Both sides of the political aisle dislike many of the processes and decisions related to content moderation made by social media companies; in response, lawmakers have proposed their own content moderation regulations.
- Republican proposals for regulation include common carriage requirements, which would require companies to transfer all information regardless of content; Democratic proposals, meanwhile, vary but most prominently call for “algorithmic accountability,” which would likely entail curtailing certain Section 230 protections for social media websites.
- Both these proposals could violate the First Amendment's protection of social media's editorial judgment and lead to policy outcomes that would likely harm the quality of moderation rather than improve it; additionally, lawmakers' threats of punitive legislation against social media companies distorts their content moderation policies and further erode trust in these systems.

[Read the analysis](#)