

Janani Janakiraman

Youth Law Institute

07 January 2024

The Controversy of Section 230 of the CDA

The controversial section of the community decency act, section 230, discusses the fine line between a media platform being labeled as just a distributor of content, or rather, a publisher. Passed by the U.S Congress, this particular law protects Americans' freedom of expression online by protecting the intermediaries we all rely on. In simpler words, this section discusses whether it is the original content publisher or the media platform that carries the burden of a published video. For example, when popular platforms like Youtube recommends a video that is unlawful, pro-terrorist, or vulgar, is it the original content publisher's fault, or is it Youtube's fault for recommending the video? As such, a few cases have arisen, questioning the integrity of this section, namely Google v. Gonzalez and Twitter v. Taamneh; which have been the most shocking of all, as both plaintiffs accuse huge media companies of assisting ISIS in the murder of their children as well as many others.

The first ever case to touch on Section 230 of the CDA directly with the Supreme Court is the Google v. Gonzalez case. The Gonzalez family had a son who was an exchange student in Paris, and his life was suddenly ended by a ISIS attack. The family attempted to file a case against Google as the media company was allegedly directly recommending ISIS content to people, leading to people easily being recruited and attacks being indirectly assisted by Google. The basis of the case is that Google was allegedly assisting ISIS (an Islamic terrorist group) in terrorist attacks. On the contrary, Google strictly states that it doesn't support acts of terrorism

and removes all terrorist related content. However, Google and the Google-owned-Youtube platform both have more content than it should, which indirectly supports the ISIS terrorist group. In fact, it seems as if content supporting ISIS is the most prevalent out of all terrorist content on the platforms.

Due to the plaintiff's inability to produce direct evidence proving Google's support with ISIS, the Supreme Court dismissed the case. However, many people around the world argue that Google's inability to move forward with removing ISIS content is dangerous and is seen by many as an indirect support. People believe that the 'Recommended for you' feature on all Google-owned platforms, such as Youtube, is dangerous when it comes to ISIS content and is the reason why ISIS has been able to continue to recruit a variety of people and terrorize many areas.

On the contrary, the Twitter v. Taamneh case focuses on the lack of action by the platform to remove ISIS related content. For example, there is all sorts of proof that shows that Twitter is a platform for many ISIS-supporting fundraisers, recruitments, ads...etc. This sort of content allows the terrorist group to grow, and in turn, attacks. Similar to the Google v. Gonzalez case, the Taamneh family was suing because their son was a fatality in a surprise ISIS attack. The case is now closed and fully dismissed by the Supreme Court due to the fact that they came to the following consensus: even though all of this content is found on Twitter, Twitter is simply just a holding platform and is not responsible for the actions of other people. To further this statement, they gave an example, stating that drug deals happen during phone calls all the time, and while calling platforms may have made this easier, it is not the platform that initiated this dangerous activity.

In conclusion, it seems that the common verdict that came between these two cases is that it is simply not the platforms fault for holding the content, as it is not them that is initiating these

dangerous activities. The Supreme Court believes that an inevitable consequence of having a platform that allows any person to put their thoughts out is dangerous activities being a part of the activities going on in the platform. The only people that should be facing the consequences of the wrongdoings are the people who published the content itself. However, one can argue that the fact that these platforms have not taken further steps to remove this content after many lives have been lost is just blatant support. The Recommendations feature on these platforms make everything more complicated, as recommending ISIS supporting fundraisers, advertisements, and recruitments is just plain dangerous. Keeping in mind the various perspectives in the different cases, Section 230 continues to be a controversial piece of legislation, like any other law, and requires an exorbitant amount of interpretation, which in turn allows controversy to grow.

Works cited

1. “Interpreting the Ambiguities of Section 230 | Brookings.” *Brookings*, 2 Jan. 2024, www.brookings.edu/articles/interpreting-the-ambiguities-of-section-230.
2. “Google V. Gonzalez LLC | American Civil Liberties Union.” *American Civil Liberties Union*, 18 May 2023, www.aclu.org/cases/google-v-gonzalez-llc.
3. Barnes, Robert, and Cat Zakrzewski. “Supreme Court Rules for Google, Twitter on Terror-related Content.” *Washington Post*, 19 May 2023, www.washingtonpost.com/politics/2023/05/18/gonzalez-v-google-twitter-section-230-supreme-court.
4. “Nearby Notifications Policies.” *Google for Developers*, developers.google.com/nearby/notifications/policies.
5. Golde, Kalvis. “Twitter, Inc. V. Taamneh - SCOTUSblog.” *SCOTUSblog*, 7 Jan. 2024, www.scotusblog.com/case-files/cases/twitter-inc-v-taamneh.
6. “Supreme Court Declines to Reconsider Foundational Principles of Internet Platform Liability.” *White & Case LLP International Law Firm, Global Law Practice*, 15 June 2023, www.whitecase.com/insight-alert/supreme-court-declines-reconsider-foundational-principles-internet-platform-liability.