



Computer & Communications
Industry Association
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October 27, 2020

The Honorable Roger Wicker
Chairman
Senate Committee on Commerce, Science, &
Transportation
Washington, DC 20510

The Honorable Maria Cantwell
Ranking Member
Senate Committee on Commerce, Science, &
Transportation
Washington, DC 20510

Re: October 28 Hearing: Does Section 230's Sweeping Immunity Enable Big Tech Bad Behavior?

Dear Chairman Wicker and Ranking Member Cantwell:

Digital services take aggressive steps to moderate harmful content, such as anti-American lies by militant extremists and religious intolerance. A reduction in moderation would lead to an increase in this reprehensible content online. Services can be aggressive against this material because they have the legal protection to do so.

What makes this moderation possible is Section 230, including the phrase “otherwise objectionable.” Congress’s decision to use this term acknowledged that it could not anticipate and legislate every form of problematic online content or behavior. Under a narrower definition, digital services would be discouraged from acting against a considerable amount of harmful and appalling content online, lest moderating it lead to litigation.

CCIA is concerned that proposals to narrow the “otherwise objectionable” provision and require digital services to host all content that is not unlawful or related to self-harm or terrorism would open the door to all kinds of reprehensible content, including racism and hate speech, public health-related misinformation, and election-related disinformation by foreign agents.

Section 230 encourages services to fight misconduct and protect users from online harms by removing disincentives to moderate. Narrowing this protection would have the perverse result of impeding efforts to police bad actors and misconduct. Cautious sites and services, especially startups wary of anything that could lead to risk, may only give a platform to establishment viewpoints. Marginalized communities would suffer the most, being subject to increased scrutiny by litigation-wary lawyers hoping to avoid controversy.

Thank you very much for your thoughtful consideration of these important issues. We look forward to continuing to work with you as Congress considers Section 230.

Sincerely,

Arthur Sidney
Vice President of Public Policy, CCIA