



March 8, 2023

Senator Blumenthal
 Chair
 Senate Committee on the Judiciary
 Subcommittee on Privacy, Technology, and the
 Law
 Washington, DC 20510

Senator Hawley
 Ranking Member
 Senate Committee on the Judiciary
 Subcommittee on Privacy, Technology, and
 the Law
 Washington, DC 20510

Dear Chair Blumenthal and Ranking Member Hawley:

The more than three dozen undersigned public interest organizations, industry members, legal advocates, and academics share in the goal of a healthy, vibrant Internet, and we appreciate the time and energy the Subcommittee and its members have dedicated to this issue, including by holding today’s hearing on “Platform Accountability: *Gonzalez* and Reform.”

We are all invested in creating and supporting an Internet that works for everyone. We recognize that, like any tool that brings people together, bad actors can and do use the Internet to cause harm, and we want to be a resource as policymakers consider proposals to combat those harms. We are concerned, however, that ongoing conversations focused on Section 230 of the Communications Act (47 U.S.C. § 230) fail to account for the many ways that the law has empowered Internet users, including your constituents in states and communities across the country.

We believe that people finding and building communities is, by and large, a good thing. Through the Internet, people across the globe can discover and connect with each other at an unprecedented scale. This includes historically marginalized groups finding support and organizing, citizens participating in the democratic process, hobbyists connecting over niche shared interests, users providing reviews to hold institutions accountable, students and library

patrons engaging in online learning and research, and the everyday activity of staying in touch with loved ones. Section 230 makes this, and so much more, possible.

In policy conversations, Section 230 is often portrayed by critics as a protection for a handful of large companies. In practice, it's a protection for the entire Internet ecosystem. It is what enables anyone—from a multi-billion-dollar Internet company, to a small startup, to a non-profit, to a single Internet user—to create a space for communities to gather online. Because of Section 230, people have more ways, places, and opportunities to connect than ever before.

Absent Section 230's framework, anyone looking to host or reshare other people's expression would have to worry about a lawsuit—or just the threat of a lawsuit—any time one person wanted to silence another. Who would host or reshare remotely controversial content if they risked being sued for doing so? Given the high price tag of defending against, or even winning, a lawsuit, the vast majority of sites would be put in the position of hosting less user content or none at all. Websites would be effectively forced to either proactively screen user content before it could be shared or aggressively remove user content when anyone complains about it. Alternatively, some websites would scale back their moderation efforts to avoid liability, resulting in the proliferation of harmful content that would make those online spaces less productive. Ultimately, the result would be fewer places for communities to gather online and less expression, including fewer of the communities and less of the expression you support.

We are eager to be a resource in continuing conversations about improving the Internet, and we urge you to include in those conversations the perspective of Internet communities that have been made possible by Section 230.

Respectfully submitted,

Access Now	Freedom House
ACT The App Association	INCOMPAS
American Civil Liberties Union	Internet Infrastructure Coalition
American Library Association	Internet Society
Association of Research Libraries	Internet Works
Authors Alliance	IP Justice
Center for American Entrepreneurship	NetChoice
Center for Democracy & Technology	New America's Open Technology Institute
Chamber of Progress	OfferUp
Computer & Communications Industry Association	Organization for Transformative Works
Connected Commerce Council	Patreon
Copia Institute	PEN America
Consumer Technology Association	Progressive Policy Institute
Developers Alliance	Public Knowledge
Educause	R Street Institute
Electronic Frontier Foundation	Software & Information Industry Association
Engine	TechFreedom
Prof. Eric Goldman	TechNet
Fight for the Future	Wikimedia Foundation

Cc: Members of the Subcommittee on Privacy, Technology, and the Law