

In name of fighting sex trafficking, US Congress set to pass internet censorship law

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In the latest attack on internet freedom, the US Senate is expected to pass legislation as early as next week that, in the name of combating online sex trafficking, will further increase the powers of the state to censor the internet.

The bill, named Allow States and Victims to Fight Online Sex Trafficking Act (FOSTA), allows for the prosecution of a broad array of websites and other online services if users of their platforms publish illegal content.

The new law would represent a significant shift in the legal framework governing the internet, with far-reaching implications. Currently, under Section 230 of the Communications Decency Act of 1996, passed as the internet was emerging, websites and internet service providers are not, in general, legally responsible for content that users publish on their platforms. This means, for example, that if an individual publishes illegal or defamatory statements on Facebook, only that person, rather than Facebook itself, can be prosecuted. In a similar way, telephone network providers cannot be prosecuted for crimes that individuals coordinate over the phone.

The FOSTA bill modifies the Communications Act to “prohibit construing section 230 to limit state criminal charges for conduct” that “promotes or facilitates prostitution” or “constitutes child sex trafficking.” In particular, an internet service or website can be prosecuted for “knowingly assisting, supporting, or facilitating” such activities.

As always, the anti-democratic measure is framed in supposedly noble terms to provide it with a benign veneer. Who, after all, would oppose efforts to prevent the sexual exploitation of young children? But the real purpose of the bill is to enable a broad array of internet platforms and services to be targeted, censored and

ultimately shut down based on material posted by lone individuals.

Commentators have noted that the law will force websites, discussion forums, online marketplaces, and other services to impose far more onerous censorship of what content they allow users to publish, for fear of being prosecuted.

Civil liberties and internet organizations have published statements opposing the legislation and warning about its anti-democratic implications.

The Wikimedia foundation, which operates WikiLeaks, released a statement by executive director Katherine Maher noting that Wikipedia “is written and maintained by hundreds of thousands of volunteer contributors... CDA 230 enables the Wikimedia Foundation to host this remarkable user-generated resource. The Wikipedia we know today would not exist without CDA 230.”

The Electronic Frontier Foundation released a statement noting that if FOSTA is passed, “many online platforms will be forced to place strong restrictions on their users’ speech.”

The bill was passed through the lower house on February 28 with overwhelming bipartisan support by a margin of 388-25. No similar statements of opposition to child exploitation were heard from Democrats or Republicans less than a month earlier, with the release of a report showing that the US military covered up reports of more than 6,000 cases of abuse of young boys in Afghanistan by high-ranking allies of the US occupying forces.

Given that the legislation could be used to target social media and technology companies including Facebook, Twitter, Amazon and Google, it is remarkable that these giant corporations have given their support to the bill.

As late as August 2017, the Internet Association lobby, which represents all four companies, issued a letter opposing the bill, declaring that it would have a “devastating impact on legitimate online services,” while the “threat of vexatious subpoenas and increased liability under the proposed carve-out would likely result in mass removals of legitimate content” and result in a “chilling effect.”

Last November, the Internet Association reversed its position, claiming that it was satisfied with an amended version of the bill which retained its main sweeping and anti-democratic provisions. Facebook Chief Operating Officer Sheryl Sandberg released a statement on February 26 declaring, “Facebook is committed to working with them and with legislators in the House and Senate as the process moves forward to make sure we pass meaningful and strong legislation to stop sex trafficking.”

Other corporations supporting the bill include 21st Century Fox, Oracle and IBM. A number of smaller technology companies, which are more financially vulnerable to lawsuits, have opposed it.

While Facebook, Google, and the other technology behemoths would, at an earlier time, have publicly opposed any infringement on their platforms’ ability to host user-generated content without fear of prosecution, all of them have been integrated into the campaign by the Democratic Party and the military/ intelligence agencies for online censorship and into their operations.

On March 6, Google’s parent company, Alphabet, admitted that it provides software to the US military used as part of the latter’s drone assassination program. Since the start of the year, under the banner of combating “fake news,” Facebook has introduced a series of changes to its News Feed to reduce the proliferation of news, in favour of users’ “personal moments,” and censor alternative news sites in favour of “authoritative” publications such as the *New York Times* and *Wall Street Journal*.



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