

US Congress passes FOSTA law attacking internet freedom

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28 March 2018

The US Senate's passage of the Allow States and Victims to Fight Online Sex Trafficking Act (FOSTA) on March 21 is the latest step in the American political establishment's drive to censor the internet. The bill was passed by an overwhelming majority of 97-2, with one Democrat and one Republican voting against, and now awaits President Donald Trump's signature.

The legislation alters Section 230 of the Communications Decency Act (CDA). This law, which was passed as the internet was emerging in 1996, protects internet service providers, websites and other platforms from being held legally responsible for content that is posted by users. FOSTA modifies the act to "prohibit construing section 230 to limit state criminal charges" for facilitating prostitution or child sex trafficking. It is necessary only that the platform "knowingly" assisted or facilitated such activity, or that it was in "reckless disregard" of the fact that such activity was taking place.

Underscoring the chilling effect of the bill, internet companies have already responded to the Senate vote by pulling down forum pages in order to avoid prosecution. Craigslist, which publishes classifieds and advertisements, removed its "Craigslist personals" section, which is used by people seeking romantic relationships and sexual encounters, as well as for prostitution. Craigslist stated of the removal, "Any tool or service can be misused. We can't take such risk without jeopardizing all our other services, so we are regretfully taking craigslist personals offline."

On March 21, Reddit updated its policies to ban any forums allowing users to "solicit or facilitate any transaction or gift" including not only "paid service involving physical sexual conduct," but also firearms, drugs, and a range of other illicit goods. It has shut down a number of subreddits.

The purpose of the legislation is to provide a precedent for holding internet platforms legally accountable for the content posted by users. At present, the bill targets prostitution and sex trafficking to provide an apparently benevolent veneer to the change in policy. Sooner rather than later, an ever-broader number of other activities will be added to the list. The ending of Section 230 will allow for government authorities to place even greater pressure on internet platforms to censor and control what content is published online.

Comments by Democratic lawmakers in the wake of the vote make clear that they see FOSTA as only the thin end of the wedge. Senator Mark Warner, who has led the Democrats' McCarthyite campaign to censor the internet in the name of combating "Russian influence," declared that if internet companies did not collaborate with the government, "you will see whole changes that will require some responsibility [for] the content."

Senator Brian Schatz stated, "When they were a nascent industry they received special statutory carve outs and special dispensation from the Congress and that made sense—but you're now looking at a mature industry." Senator Kamala Harris stated that she would be "interested in seeing what would be proposed specifically" for adding other possible caveats to Section 230.

The political establishment views with fear the fact that billions of people in the US and around the world are now able, through the internet, to access and share information independently of the corporate-controlled media, which function as propaganda outlets for the government.

Internet rights advocacy organizations have responded to the FOSTA bill by warning that it will

significantly undermine online freedom.

The Wikimedia Foundation, a non-profit which publishes Wikipedia, currently used by hundreds of millions of people every day, published a statement in November in opposition to the legislation, noting, “The Wikipedia we know today simply would not exist without Section 230. User-driven projects could not thrive if websites were subject to greater liability for user content.”

The Electronic Frontier Foundation released a statement in response to the Senate vote declaring that the bill “silences online speech by forcing Internet platforms to censor their users.” The statement noted that the criteria that companies act in “reckless disregard” of sex trafficking activities was “worded so broadly that it could even be used against platform owners that don’t know that their sites are being used for trafficking.”

Underscoring the reactionary character of the law, it states that the changes to the CDA will apply retroactively, irrespective of whether the alleged crime occurred before or after the passage of the bill, potentially making it unconstitutional. It was left to the Justice Department of Donald Trump to note in a memo on February 27 that this “raises a serious constitutional concern.”

The bill’s passage has been supported by technology company Oracle, as well as 20th Century Fox, which sees the restriction of the internet as advantageous to its business interests.

It is particularly notable that the big social media and technology companies, including Facebook, Google, Twitter and Amazon, have all endorsed FOSTA, despite the fact that it potentially opens them up to legal prosecution. Having previously opposed the FOSTA bill, these companies publicly reversed their position last September.

For years, these companies have opposed any restriction on their ability to host user-created content and any alteration to Section 230 in particular. They are now completely integrated into the campaign by the Democratic Party and intelligence agencies to censor the internet.

Google, which revealed this month that it provides software used by the US military as part of its drone assassination program, changed its search result algorithms last April to prevent users from reaching left-

wing, progressive and anti-war websites, including the *World Socialist Web Site*. Facebook has similarly announced a series of changes to its News Feed since the start of the year to block alternative news sites and promote pro-government outlets such as the *New York Times* and *Washington Post*.



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