

# US Senate hearing on Section 230 law devolves into demands for social media censorship

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The CEOs of Facebook, Twitter and Alphabet Inc., the corporate parent of Google and YouTube, were questioned at a hearing on Wednesday before the Senate Committee on Commerce, Science and Transportation. The hearing was called by the Republican-dominated committee to review Section 230 of the Communications Decency Act of 1996 that protects online service providers from liability for the content published on their platforms by users.

The four-hour virtual hearing, entitled “Does Section 230’s Sweeping Immunity Enable Big Tech Bad Behavior?” featured testimony by Jack Dorsey of Twitter, Mark Zuckerberg of Facebook and Sundar Pichai of Alphabet. The advertised purpose of the hearing was to examine whether Section 230 “has outlived its usefulness in today’s digital age” and “examine legislative proposals to modernize the decades-old law, increase transparency and accountability among big technology companies.”

However, per standard operating procedure in these stage-managed Washington D.C. hearings, each faction of the ruling establishment—Republicans, Democrats and the tech executives—sought to use the platform to promote their respective political agendas and market interests.

There was no genuine review or examination of the Section 230 provisions. Instead, after the committee chair, ranking member and each tech CEO delivered their prepared remarks—available online ahead of time in transcript form—the Republican and Democratic Senators proceeded to attack freedom of speech online from slightly different but equally right-wing standpoints.

The Section 230 provisions of 1996 are widely recognized by speech rights activists and legal scholars as among the most important of US laws protecting freedom of expression and innovation in the age of the internet. The language of Section 230 states, “No provider or user of an interactive computer service shall be treated as the publisher or speaker of any information provided by another information content provider.”

This means that the technology providers hosting the speech of others are protected from laws that could be used otherwise to hold them legally liable for what users on their systems say and do. Among the protected intermediaries are Internet Service Providers (ISPs) such as wireless carriers and cable companies as well as a range of “interactive computer service providers” such as social media platforms and any other online service that publishes third-party content.

According to the Electronic Frontier Foundation (EFF), an example of how Section 230 works is “its legal shield to bloggers who act as intermediaries by hosting comments on their blogs. Under the law, bloggers are not liable for comments left by readers, the work of guest bloggers, tips sent via email, or information received through RSS feeds. This legal protection can still hold even if a blogger is aware of the objectionable content or makes editorial judgments.”

Rather than discuss the substance of the law, Commerce Committee Chairman Roger Wicker, Republican from Mississippi, managed in his opening remarks to combine the claim that tech platforms are singling out “conservative” publishers for censorship with a denunciation of the publication of “hacked materials” such as President Donald Trump’s tax returns.

After pointing out that two weeks ago both Facebook and Twitter censored a *New York Post* article regarding Democratic presidential candidate former Vice President Joe Biden and his son Hunter, Senator Wicker revealed that “both presidential candidates Trump and Biden have proposed repealing Section 230 in its entirety.”

Ranking Member Maria Cantwell, Democrat from Washington, used her opening statement to repeat the completely unsubstantiated claim that the tech corporations enabled “Russian meddling” in the 2016 presidential elections. Cantwell then demanded to know “exactly what they have been doing to clamp down on election interference” and then openly called for online censorship

and demanded to know, “what kind of hate speech and misinformation that they have taken off the books.”

Never even mentioning Section 230 at all, Cantwell went on to a lengthy advocacy for “local news”—a euphemism for traditional corporate news publishers and broadcasters—and absurdly claimed that the tech giants, by monopolizing the available advertising dollars, are a barrier to “a very healthy and dynamic news media across the United States.”

In their opening statements, all three tech CEOs did their best to act like they were both advocates of the free speech provisions of Section 230 and doing everything they could to provide “transparency” and “consistency” to their content moderation policies.

Among the notable statements by the tech executives—whose companies have a combined Wall Street value of nearly \$2 trillion—were the following:

- Jack Dorsey: “Eroding the foundation of Section 230 could collapse how we communicate on the Internet, leaving only a small number of giant and well-funded technology companies.” Dorsey made this comment because his company is worth a miniscule, by comparison to the other two, \$41.5 billion.

- Mark Zuckerberg: “I look forward to continuing to work with you and other stakeholders to ensure that we provide consumers with the transparency, control, and accountability they deserve.” Although unnamed, the “other stakeholders” that Zuckerberg is referring to are the multi-trillion dollar Wall Street investors in Facebook, such as Vanguard Group and BlackRock, who own substantial shares and have a controlling interest in the company.

- Sundar Pichai: “Let me be clear: We approach our work without political bias, full stop. To do otherwise would be contrary to both our business interests and our mission, which compels us to make information accessible to every type of person, no matter where they live or what they believe.”

In fact, as has been shown, Google has been suppressing content from the *World Socialist Web Site* from surfacing in top results of general search in favor of so-called “authoritative sources.” When pressed on the issue of censorship Pichai, as in a previous hearing, cited the WSWWS as an example of its supposedly evenhanded approach to all political views. “We have had compliance issues with the World Socialist Review [sic], which is a left leaning publication,” Pichai remarked.

During the questioning of the tech CEOs by Senate Commerce Committee members, the Republican and

Democratic Party lines were repeatedly evident. Republicans such as Senator Ted Cruz of Texas took an aggressive posture and accused Twitter of functioning as a “Democratic super PAC” when it blocked and fact-checked pro-Trump content. “Who the hell elected you and put you in charge of what the media are allowed to report?”

Twitter CEO Dorsey responded by saying, “I hear the concerns and acknowledge them,” but he said Twitter was not favoring Democrats on its platform.

Picking up on Cantwell’s introduction, Democratic Senator Richard Blumenthal of Connecticut went on about foreign interference from Iran and Russia, who are “making 2016 look like child’s play.” Blumenthal called on the companies to take steps to “curbing misinformation and disinformation” that would assist Trump win reelection.

The Senate hearing on Wednesday shows that the positions of the Democrats and Republicans with regard to online speech, while appearing to be opposed to each other, are actually demanding censorship from different starting points. The Democrats, including the presidential campaign of Biden-Harris and its ostensible house organ the *New York Times*, are demanding outright censorship from the big tech platforms by removing posts deemed “disinformation” and “lies.”

On the other hand, the Republicans are calling for changes in the language of the Section 230 protections such that social media and other platforms can be labeled “publishers” instead of online services, removing their immunity from prosecution for user content and thereby forcing them to impose more stringent content moderation policies.

The tech platforms themselves have been collaborating with both factions of the ruling political establishment in the imposition of censorship on left-wing and socialist publishers. Regardless of whatever differences exist between them, the tech monopolies are working with the Democrats and Republicans in an effort to keep the political crisis in the US from developing outside of the two party system and becoming a generalized struggle of the entire working class for political independence on the basis of the fight for socialism.



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