

## **To the Biden/Harris Administration and the 117th Congress:**

In the wake of this latest act of white supremacist violence directed at the U.S. Capitol, it's more urgent than ever that lawmakers take steps to address systemic racism and injustice, and to hold Big Tech companies accountable for their role in undermining democracy and amplifying harmful content. However, repeal of or injudicious changes to Section 230 of the Communications Decency Act would only make the situation worse.

Gutting Section 230 would make it more difficult for web platforms to combat the type of dangerous rhetoric that led to the attack on the Capitol. And certain carve outs to the law could threaten human rights and silence movements for social and racial justice that are needed now more than ever.

Section 230 is a foundational law for free expression and human rights when it comes to digital speech. It makes it possible for websites and online forums to host the opinions, photos, videos, memes, and creativity of ordinary people, rather than just content that is backed by corporations.

The danger posed by uncareful changes to Section 230 is not theoretical. The last major change to the law, the passage of SEXTA/FOSTA in 2018, put lives in danger. The impacts of this law were immediate and destructive, limiting the accounts of sex workers and making it more difficult to find and help those who were being trafficked online. This was widely seen as a disaster that made vulnerable communities less safe and led to widespread removal of speech online. Senator Elizabeth Warren and Representative Ro Khanna have sponsored legislation to investigate the harm done by SEXTA/FOSTA. Lawmakers should pass this bill and examine past mistakes before modifying Section 230, and should hold hearings on the human rights and civil liberties implications of altering the law before legislating further. Overly broad changes to Section 230 could disproportionately harm and silence marginalized people, whose voices have been historically ignored by mainstream press outlets. For example, social media platforms would be unlikely to host viral videos of police violence that have spurred nationwide uprisings for racial justice if they faced constant litigation from law enforcement for doing so.

We share lawmakers' concerns with the growing power of Big Tech companies and their unwillingness to address the harm their products are causing. Google and Facebook are just some of the many companies that compromise the privacy and safety of the public by harvesting our data for their own corporate gain, and allowing advertisers, racists and conspiracy theorists to use that data to target us. These surveillance-based business models are pervasive and an attack on human rights. But claims that Section 230 immunizes tech companies that break the law, or disincentivizes them from removing illegal or policy-violating content, are false. In fact, Amazon has invoked Section 230 to defend itself against a lawsuit over its decision to drop Parler from Amazon Web Services due to unchecked threats of violence on Parler's platform. Additionally, because Section 230 protects platforms' decisions to remove objectionable content, the law played a role in enabling the removal of Donald Trump from platforms, who could act without fear of excessive litigation.

Repealing Section 230 would make it even harder for platforms to engage in good faith moderation of hateful speech and disinformation. It could lead thousands of smaller companies and alternative platforms to be shut down, therefore crushing competition and making Big Tech even more powerful. This is why Big Tech CEOs like Mark Zuckerberg have said they are open to 230 reforms, because they know it would only reinforce their influence.

We concur that Congress should act to address the harms of Big Tech through meaningful legislative action on data privacy, civil rights and others fronts, and enforcement of existing antitrust laws. But uncared efforts to poke holes in Section 230 could result in the exact opposite outcome. Lawmakers must consider the intersectional consequence that this will have on activists, sex workers, Black and brown communities, Muslim communities, LGBTQ+ folks, disabled people and other marginalized communities before they make a change that could profoundly alter the state of digital free speech and human rights.

The undersigned 70+ organizations:

18 Million Rising  
Access Now  
Adult Industry Laborers & Artists Association  
Advocating Opportunity  
Assembly Four  
Black and Pink  
Black and Pink Massachusetts  
CARES - Community AIDS Resource and Educations Services  
Carolina Are, Researcher, Activist, Blogger at Blogger On Pole  
Common Cause  
Community United for Safety and Protection  
Convocation Design and Research  
COYOTE RI- Call Off Your Old Tired Ethics  
Dangerous Speech Project  
Data for Black Lives  
Defending Rights and Dissent  
Detroit Community Technology Project  
Erotic Service Providers Legal, Education and Research Project  
Equality North Carolina  
Fight for the Future  
Freedom Network USA  
Free Press Action  
Friends of Sabeel, North America  
Global Forum for Media Development  
Global Voices  
Hacking//Hustling  
Hollaback!

House of Tulip  
Ishtar Collective  
Indigenous Friends Organization  
Institute for Intellectual Property and Social Justice  
Institute of Information Cyprus (101.cy)  
International League of Advocates  
Joy Buolamwini, Founder Algorithmic Justice League  
Kairos Action  
Lucy Parsons Labs  
Media Justice  
Michael Karanicolas, Yale Law School Initiative on Intermediaries and Information  
Montgomery County (MD) Civil Rights Coalition  
Movement Alliance Project  
Mpower Change  
Muslim Justice League  
National Black Justice Coalition  
National Center for Lesbian Rights  
National Lawyers Guild  
Other 98  
OpenMedia  
Open MIC (Open Media and Information Companies Initiative)  
PDX Privacy  
PEN America  
Popular Resistance  
Positive Women's Network - Ohio  
Public Knowledge  
Prostasia Foundation  
Presente.org  
Ranking Digital Rights  
Reframe Health and Justice  
Renata Avila, Race & Technology Fellow, HAI, Stanford University  
Sasha Costanza-Chock, Senior Research Fellow, Algorithmic Justice League  
Sero Project  
Sex Workers' Action Program of Hamilton  
S.T.O.P. - The Surveillance Technology Oversight Project  
SWOP - Sex Workers Outreach Project  
SWOP Behind Bars  
SWOP Brooklyn  
The 6:52 Project Foundation, Inc.  
The Sex Workers Project at the Urban Justice Center  
Transgender Law Center  
UltraViolet  
URGE: Unite for Reproductive & Gender Equity  
US People living with HIV Caucus

Wikimedia Foundation  
Win Without War  
WITNESS  
Woodhull Freedom Foundation  
X-Lab