

Opening Statement of Republican Leader Robert E. Latta
Joint Hearing: Subcommittees on Communications and Technology and Consumer
Protection and Commerce
"A Country in Crisis: How Disinformation Online is Dividing the Nation"
June 24, 2020

Thank you, Mr. Chairman.

Welcome to today's hearing on disinformation online. We are living in a time where Americans increasingly rely on the Internet in their daily lives, and while our nation is battling the coronavirus, having access to accurate information can mean the difference between life and death.

But as we all know, not everything we see and read online can be taken as fact due to inaccuracies. To date, companies are doing a good job of policing their platforms to remove harmful or inaccurate information online. In fact, Congress enacted Section 230 of the Communications Decency Act to allow Internet companies to do just that. The law was intended to encourage Internet platforms—then, “interactive computer services” like CompuServe and America Online—to proactively take down offensive content without having the fear of being held liable for doing the right thing. Hateful and racist comments should have no place in our society or on our platforms, and Section 230 provides a tool for companies to make sure that doesn't happen.

And while some companies use this shield for its intended purpose, it is concerning that we are seeing others abuse Section 230 after being pressured by activist employees or advertisers to make “Good

Samaritan” policies intended to fit their own political agenda. Many tech companies have benefited and grown on a large scale because they are afforded CDA 230 protections. These protections have allowed them to become the true gatekeepers to the Internet, but we often see that they don’t want to take responsibility for the content within those gates.

Let me be clear, I am not advocating that Congress repeal the law. Nor am I advocating for Congress to consider niche “carve-outs” that could lead to a patchwork of applicability of the law. Section 230 was enacted for a reason. It is unfortunate, however, that the courts took such a broad interpretation of Section 230, simply granting broad liability protection without platforms having to demonstrate that they are doing - and I quote - “everything possible.” Numerous platforms have hidden behind Section 230 to avoid litigation without having to take any responsibility. Not only are “good Samaritans” sometimes being selective in taking down harmful or illegal activity, but Section 230 has been interpreted so broadly that “bad Samaritans” can skate by without accountability, too.

Freedom of speech is a fundamental right upon which our democracy was built, and we must make sure these companies are not policing the free flow of speech, especially when it comes to political discussions, as they continue to operate online platforms. While we are talking about private companies, many of the concerns I’ve outlined here

today could simply be addressed if these companies began enforcing their terms of service equitably and consistently. If companies have the time and resources to make the difficult, complex decisions over moderating conservative speech, then surely they can make the easy decisions when it comes to taking down illegal, hate, or racist content on their platforms. I hope reports of political bias among large Internet platforms are not an indication of their prioritization of resources. If so, then we should consider Congressional scrutiny over how Section 230 is being used in the marketplace.

So, I will say it again: I do not believe repealing Section 230 is the answer. But I do believe these companies might need more oversight as to how they are making certain decisions related to their content moderation practices: what they choose to censor and what they don't. We should make every effort to ensure that companies are using the sword provided by Section 230 to take down offensive and lewd content, but that they keep their power in check when it comes to censoring political speech. Again, terms of services should be enforced equitably and consistently.

I look forward to hearing from the witnesses today. I yield back.