Section 230 Protections: Can Legal Revisions or Novel Technologies Limit Online Misinformation and Abuse?

A Virtual Workshop Hosted by

**The Committee on Science, Technology and Law (CSTL),
National Academies of Sciences, Engineering, and Medicine**

**April 22, 2021 12:00 – 6:00 PM EDT (Part 1)
April 27, 12:00 - 6:00 PM EDT (Part 2)**

Section 230 of the Communications Decency Act of 1996 immunizes Internet-based technology companies and social-media platforms that serve as hosts for user-generated content from some civil laws that would apply to publishers, authors or speakers. Section 230 also enables internet companies to remove or moderate in good faith content that is obscene, lewd, lascivious, filthy, excessively violent, harassing or otherwise objectionable. This immunity is not absolute and does not shield platforms from prosecution for federal crimes, copyright infringements, or content which they generate. Although Section 230 is a mere twenty-six words in total, it has played a significant role in the development of the Internet as a platform for the global exchange of information and ideas.

The Internet has evolved in unanticipated ways since1996 when Section 230 was enacted. Today, there are a small number of companies running the predominant social media platforms. Social media users in both the United States and abroad rely upon social media as a significant source of information and public discourse. At the same time, disinformation and abuse on social media has become of increasing concern. Of great concern are disinformation campaigns targeting towards influencing elections, inciting violence within the U.S. or abroad, and undermining democratic processes. Other concerns include disinformation in non-political contexts, hate speech, discriminatory practices, bullying, targeted advertising and content, and the commercial use of personal data.

Today, questions are being raised about whether Section 230 should be re-examined. This two-part workshop will address legal, policy and technological aspects of Section 230, examine whether there are deficiencies in Section 230 as written, and if so, explore how Section 230 could be revised to address these concerns without causing harm to the expression of speech and public discourse in the online environment. Part 1of the workshop will provide an overview of Section 230, judicial interpretations of Section 230, and first-amendment or other limitations on regulation of speech. It will then address the capabilities and limitations of current technologies to moderate Internet content. Several panels will then delineate concerns posed by the current online environment, including disinformation, hate speech, bullying, discrimination, competition, privacy and commercial use of personal data.

Part 2 of the workshop will address proposals to address the concerns raised in Part 1 of the workshop, ranging from repealing or revising Section 230 to retaining section 230 in its current form. Given the complexities associated with disinformation and abuse in the online environment, some of the speakers will propose solutions that are broader than revising Section 230, such as more transparency in the use of algorithms, enhancement of user digital literacy, development of a digital code of conduct, and enhanced antitrust or consumer protection. Workshop Part 2 will also address international approaches to moderation content whether technology can provide solutions in the foreseeable future. A concluding panel will summarize and identify both divergences and convergences among the various approaches to Section 230 and related issues.

The workshop will identify key issues that should be considered in re-examining Section 230 and explore how law, policy and technology could achieve more responsible management of third party content while preserving free speech and democracy in the online environment.

12:00 **Welcome and Opening Remarks**

Speaker: **Judith Miller***, Independent Consultant

12:05 **An Overview of Section 230**

Speakers:

Cameron Kerry, The Brookings Institution

Jeff Kosseff, United States Naval Academy

12:45 **Panel 1: Use of Technologies for Content Moderation: Capabilities and Limitations**

Moderator: **Edward W. Felten**,** Princeton University

Speakers:

Charlotte Willner, Trust & Safety Professional Association

Sarah T. Roberts, University of California, Los Angeles

Alex Stamos, Stanford University

1:30 **Moderated Discussion and Questions from Moderator, Planning Committee and Public**

2:00 **Panel 2: Disinformation to Influence and Undermine U.S. and Global Democratic Processes**

Moderator: **Martha Minow**,** Harvard Law School

Speakers:

Joan Donovan, Harvard Kennedy School

Zeynep Tufekci, University of North Carolina, Chapel Hill

Karen Kornbluh, German Marshall Fund

Alex Macgillivray, Attorney and Technologist

3:00 **Moderated Discussion and Questions from Moderator, Committee and Public**

3:15 **Break**

3:30 **Panel 3: Harms to Individuals: Hate Speech, Violence, Harassment and Bullying**

Moderator: **Susan Silbey**,** Massachusetts Institute of Technology

Speakers:

Christopher Wolf, Hogan Lovells

Mary Anne Franks, University of Miami School of Law

Olivier Sylvain, Fordham University School of Law

Genevieve Lakier, University of Chicago Law School

4:25   Moderated Discussion with Questions from Moderator, Committee and Public

4:45   Panel 4: Commercial Practices and Impacts on Privacy and Civil Rights

Moderator: **David Vladeck****, Georgetown University Law Center

Speakers:

Deirdre Mulligan, University of California, Berkeley

Dina Srinivasan, Yale University

Ashkan Soltani, Independent Researcher and Technologist

5:40   Moderated Discussion with Questions from Moderator, Committee and Public

6:00   Adjourn

12:00 Welcome

Speaker: **Judith Miller*,** Independent Consultant

12:05 Recap of Workshop Part 1

Speaker: **Martha Minow**,** Harvard Law School

12:15 Overview of Major Legal Policy and Technical Proposals to Amend Section 230

Speaker: **Jeff Kosseff,** United States Naval Academy

12:30 Panel 5: International Approaches to Content Moderation

*Moderator***: Daphne Keller**,** Stanford University

Joris van Hoboken, Vrije Universiteit Brussels and University of Amsterdam

Marietje Schaake, Stanford University

David Kaye, University of California, Irvine School of Law

Evelyn Douek, Harvard Law School and Berkman Klein Center for Internet & Society

1:30 Moderated Discussion and Questions from Moderator, Committee and Public

1:45 Panel 6: Congressional Approaches on Section 230 and Related Legislation

*Moderator***: David Vladeck**,** Georgetown University Law Center

Speakers:

Valerie Brannon, Congressional Research Service

Jason Gallo, Congressional Research Service

2:30 Moderated Discussion and Questions from Moderator, Committee and Public

2:45 Break

3:00 Panel 7: Proposals to Repeal, Retain and Modify Section 230

Moderator: **Ben Wittes**,** The Brookings Institution

Speakers:

Ellen P. Goodman, Rutgers University Law School

Matt Perault, Duke University

Eric Goldman, Santa Clara University School of Law

Emma Llansó, Center for Democracy and Technology

Alex Feerst, Neuralink

Kate Sheerin, Google

Andy O'Connell, Facebook

4:30 Moderated Discussion and Questions from Moderator, Committee, and Public

5:00 Concluding Roundtable with Panel Moderators – Convergence and Divergence

Moderator: **Judy Miller***, Independent Consultant

Speakers: **Edward W. Felten****, Princeton University
Martha Minow**, Harvard Law School
Daphne Keller**, Stanford University
Susan Silbey**, Massachusetts Institute of Technology
David Vladeck**, Georgetown University Law Center
Ben Wittes**, The Brookings Institution

6:00 Adjourn

*Chair of the Planning Committee
**Member of the Planning Committee