



Internet Association



TECHNET
THE VOICE OF THE
INNOVATION ECONOMY

NetChoice

January 20, 2021

Honorable, Lawrence Klemin, Chair
House Judiciary Committee
600 East Boulevard Avenue
Bismarck, ND 58505-0360

Re: **Oppose HB 1144**, Permit Civil Actions Against Social Media Sites for Censoring Speech

Dear Chairman Klemin:

Our associations represent hundreds of the country's leading technology companies in high-tech manufacturing, computer networking, information technology, clean energy, life sciences, internet media, ecommerce, education, and the sharing economy sectors. Our member companies are committed to advancing public policies and private sector initiatives that make the United States the most innovative country in the world.

On behalf of our members, we want to express **opposition to HB 1144**, a bill that would subject an online service to civil liability if representing their site as viewpoint neutral, impartial, or non-biased and then blocks, bans, removes, or limits a user's speech.

Our members are committed to keeping their user's safe online while fostering diverse viewpoints and experiences for a variety of people. However, there is no standardized industry-wide approach for determining what constitutes potentially harmful or objectional content, as companies decide themselves what is appropriate and acceptable user content and what is objectional content they will not host.

Review of user content by member companies is done unbiasedly and is meant to identify and block harmful, obscene, violent, or other types of objectional content. Most content ultimately blocked, whether done so in an automated way or by humans, is done so as intended. However due to the sheer volume of user posts that may be reviewed daily, which could be up to hundreds of millions of posts per day, it is impossible for companies to be 100 percent accurate all the time.

Our member companies are transparent about this process, which is outlined in detail on their websites, typically in their terms of service. Users have the freedom to either accept a site's terms or choose to use an alternative site to share their content. Using a specific platform is an

option and those who disagree with the rules that guide enforcement decisions have the freedom to use a different service.

American free speech laws, including 47 U.S.C. Section 230(c), allow websites to block content they reasonably consider harmful. It does not require online companies to provide users with a neutral public forum. This federal law states that Congress finds “the Internet and other interactive computer services offer a forum for a true diversity of political discourse, unique opportunities for cultural development, and myriad avenues for intellectual activity.”

It is difficult for laws to be crafted that determine what is objectively offensive content, which is why federal law leaves it up to social media platforms and their users to determine that. However, this bill would spawn excessive and endless litigation and would end up asking North Dakota courts to determine what content is obscene, lewd, lascivious, filthy, excessively violent, harassing, or otherwise objectionable.

While some larger companies may be in a better situation to manage the legal risks that this bill would expose them to, smaller companies and startups do not. As such, this bill could lower the influence of smaller tech companies online, force companies to either stop monitoring and blocking harmful user content at all or divert companies away from striving to be a neutral platform.

The result means abhorrent and illegal content likely would end up being the norm on social media and could increase real-world harm in communities in North Dakota and beyond. Our members warn that this bill will have the opposite effect that is intended: protecting people’s rights. HB 1144 will create an unsafe world where online users will be exposed to harmful content that has the capacity to create increasingly negative impact on their lives.

For the reasons stated above, our associations **oppose HB 1144**. Please contact Tammy Cota at 802-279-3534 or tammy@theinternetcoalition.com if you have questions or would like to discuss this issue further.

Sincerely,

Internet Coalition
Internet Association
TechNet
NetChoice

cc: House Judiciary Committee members