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Media Contact: Glenn Lammi | glammi@wlf.org | 202-588-0302

## WLF Urges Supreme Court To Protect The Free Exchange Of Ideas On The Internet

*(Gonzalez v. Google)*

**“Section 230 is key to the continued viability of the internet. The Supreme Court should not gut the immunity the statute provides.”**

—John Masslon, WLF Chief Litigation Counsel

WASHINGTON, DC—Washington Legal Foundation (WLF) today urged the U.S. Supreme Court to protect internet companies from frivolous lawsuits for hosting information uploaded by third parties. This is one of the most important internet issues the Court has ever confronted.

The case arises from a 2015 ISIS terrorist attack in Paris. A victim’s family sued Google for videos that ISIS had uploaded to YouTube, the ubiquitous video-sharing website. According to the plaintiffs, Google aided and abetted ISIS by hosting the group’s recruitment videos. They also argued that Google was liable for its algorithms recommending the ISIS videos to users. The District Court dismissed the suit as barred by Section 230 of the Communications Decency Act of 1996. The Ninth Circuit affirmed, and the Supreme Court agreed to decide whether the algorithmic recommendations are protected by Section 230.

In its amicus brief supporting Google, WLF contends that the plaintiffs’ argument is built on two false premises about preemption. As WLF explains, there is no longer a presumption against preemption, and a law preempting both federal- and state-law claims should not be read narrower than the same law that preempts only federal-law claims. With the proper framework in mind, WLF’s brief details how Section 230’s plain language supports the Ninth Circuit’s decision. The statute’s language immunizes an interactive computer service’s hosting of third-party content if a claim treats the site as a publisher or speaker. And that is exactly the type of claim the plaintiffs raise here.

WLF’s brief also responds to a group of States supporting the plaintiffs. Section 230 contains a clear statement that its immunity provision applies to both federal- and state-law claims. This preemption of state-law claims does not violate federalism principles. The Constitution delegates to Congress the power to regulate interstate and international commerce, like what occurs online. And the normal worries about limiting state power do not apply in this context.

*Celebrating its 46th year, WLF is America’s premier public-interest law firm and policy center advocating for free-market principles, limited government, individual liberty, and the rule of law.*

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