

May 22, 2024

The Honorable Frank Pallone,
Ranking Member, House Energy and
Commerce Committee
2107 Rayburn House Office Building
Washington, DC 20515

Dear Ranking Member Pallone:

We, the undersigned organizations write to express our opposition to your proposal to sunset Section 230 of the Communications Act. Doing so will jeopardize access to valuable resources online, harming vulnerable communities and guaranteeing round after round of culture war brinkmanship. At a time when progressive legislators should be taking steps to defend access to reproductive health and LGBTQ+ digital resources, this proposal would turn online speech into a hostage of congressional politics.

In a recent editorial, you claimed that your legislation “gives Big Tech a choice: Work with Congress to ensure the internet is a safe, healthy place for good, or lose Section 230 protections entirely.”¹ Both scenarios would be bad in practice for access to online content and the communities we advocate for.

Section 230 empowers platforms to moderate content while creating a space for unpopular or politically contentious speech, including gender-affirming spaces, reproductive health information, and student activism. In an internet without Section 230, online platforms would be forced to over-moderate online content, taking down any speech that could be legally construed as harmful.

As rightwing policymakers weaponize laws against LGBTQ+ content² and student speech,³ there should be little doubt that the end of Section 230 would force platforms to take down such content or face massive liability.

¹ See Sunset of Section 230 Would Force Big Tech’s Hand
<https://www.wsj.com/articles/sunset-of-section-230-would-force-big-techs-hand-208f75f1>

² See 7 GOP Attorneys General Threaten Target, Calling LGBTQ Merchandise “Obscene”
<https://truthout.org/articles/7-gop-attorneys-general-threaten-target-calling-lgbtq-merchandise-obscene/>

³ See Revealed: rightwing push to suppress criticism of Israel on US campuses
<https://www.theguardian.com/us-news/2019/oct/16/conservative-activists-want-to-outlaw-antisemitism-in-public-education-why-is-that-a-bad-thing>

It's also worth considering the other scenario raised in your editorial, that tech platforms and Members of Congress spend the next 18 months negotiating amendments to Section 230. Radical Republicans would demand culture war loopholes, making it potentially illegal to host information on reproductive health or safe spaces for the LGBTQ+ community.

As the bill's sunset date nears, Congress would likely kick the can and extend Section 230. Only this time, regressive, anti-choice, and anti-LGBTQ legislators would demand platforms commit to moderating away reproductive rights and gender-affirming content. Or assist in enforcing state policies denying vulnerable communities access to the support and resources they need.

The disastrous *Dobbs* decision triggered a cascade of anti-choice policymaking.⁴ In states across the country, regressive legislators have robbed patients of their reproductive rights. As we saw in Texas's awful Senate Bill 8, policymakers are willing to go after intermediaries that facilitate abortion care.⁵ And legislators in South Carolina considered making it illegal to post information about abortion care.⁶

Since *Dobbs*, online mifepristone prescriptions have been a lifeline. In 2023, the first full year after the Supreme Court's decision, many doctors turned to telemedicine to prescribe medication abortion to patients in need of abortion care. In fact, telemedicine abortions make up 19 percent of all abortions in the U.S., up from 4 percent in 2022, and are expected to continue to rise.⁷

It would be a tragedy if the conservative Supreme Court protects online access to reproductive medicine only for Congressional Democrats to set the stage for a future Congress to negotiate it away.

Section 230 doesn't "protect Big Tech." It protects speech—the speech of users, including the most marginalized members of society. Passing your bill will not

⁴ See Tracking Abortion Bans Across the Country

<https://www.nytimes.com/interactive/2024/us/abortion-laws-roe-v-wade.html>

⁵ See Texas abortion law a "radical expansion" of who can sue whom, and an about-face for Republicans on civil lawsuits <https://www.texastribune.org/2021/09/03/texas-republican-abortion-civil-lawsuits/>

⁶ See South Carolina bill outlaws websites that tell how to get an abortion

<https://www.washingtonpost.com/technology/2022/07/22/south-carolina-bill-abortion-websites/>

⁷ See Society of Family Planning #WeCount Report

https://societyfp.org/wp-content/uploads/2024/02/SFPWeCountPublicReport_2.28.24.pdf

“hold Big Tech accountable.” Instead, it will set a political trap that will harm the people progressive policymakers are committed to defending.

Sincerely,

Chamber of Progress
Garden State Equality
LGBT Tech
PRISM FL, Inc
Woodhull Freedom Foundation

Cc: Democratic members of the Energy and Commerce Committee