

***For immediate release***

Date: December 6, 2022

Contact: Edward Erikson | 202-420-9947 | [press@freespeechforpeople.org](mailto:press@freespeechforpeople.org)

**Google Does Not Have Blanket Immunity Under Section 230, Legal Advocates Argue in Friend of the Court Brief before the Supreme Court**

*In an amicus brief filed with the Supreme Court in Gonzalez v. Google, LLC, Free Speech For People states that Google is the creator of its algorithm-generated, targeted recommendations on YouTube.*

WASHINGTON, D.C. (December 6, 2022) – The nonpartisan legal advocacy group Free Speech For People today filed an amicus brief with the Supreme Court in support of the petitioners in the case of *Gonzalez v. Google, LLC*. The brief shows that Section 230 of the federal Communications Decency Act has been wrongly interpreted by the courts to provide blanket immunity to online platforms (called “internet service providers” in the text of Section 230)—which includes giant social media companies—even for content that they create and provide to their users. As a result, companies like Google have been able to make personalized recommendations on virtually every display screen that their users see while being completely sheltered from any liability that might arise from their recommendations — even when their recommendations introduce users to extremist content, hate speech, terrorist groups, threats of violence, and disinformation.

*Gonzalez v. Google, LLC*, in conjunction with *Twitter, Inc. v. Taamneh*, will be the first cases reviewed by the Supreme Court related to Section 230. Both cases concern the statute’s relevance in the dissemination of terrorism-related content.

In *Gonzalez*, the plaintiffs are relatives of a U.S. citizen murdered by ISIS terrorists in France. They alleged, in part, that Google violated the Anti-Terrorism Act because it affirmatively recommended ISIS-produced terrorist videos to its users, thereby aiding, abetting, and/or providing substantial assistance to ISIS. The Ninth Circuit held that, under Section 230 of the Communications Decency Act, Google is wholly immune from lawsuits arising from its recommendations of content posted on YouTube.

Free Speech For People’s amicus brief urges the Supreme Court to reverse the Ninth Circuit’s decision. The amicus brief explains that online platforms that use algorithms to generate recommendations or other content are still responsible for that content; the lower courts’ expansion of immunity to any activity a publisher might undertake is wholly unsupported by the Section 230 text; and the serious harms that targeted recommendations can cause to the public interest and to our democracy cut in favor of a correct textual reading of Section 230 that does not shield companies from liability for otherwise valid legal claims that may arise from the information that they provide to users.

“Here, the sole question is whether Google’s recommendations of videos to its users are ‘information provided by *another* information content provider,’” the brief states. “The meaning of these terms, and the answer to the question, are clear: Google’s recommendations are information that is created and provided by Google, not by ‘another information content provider.’ Therefore, Section 230 does not shield Google from liability for otherwise valid legal claims that may arise from the information it provides to its users.”

“Nothing in the text of Section 230 distinguishes recommendations created by algorithm from recommendations manually created by a company employee,” said Courtney Hostetler, Senior Counsel at Free Speech For People. “Google’s algorithm is controlled and utilized by Google, and thus its recommendations are the company’s responsibility.”

“Recommendation-producing algorithms can spur radicalization and direct people to potentially dangerous or harmful information they would not have otherwise sought out,” Free Speech For People argues in its brief. “Indeed, the use of algorithmic targeting by Google and other global social media platforms has been associated with a staggering array of serious public harm, including physical and psychological disorders and suicidal ideation among young people; the inability to effectively address major healthcare issues, including the COVID-19 pandemic; facilitating sexual predation and exploitation; violence and genocide; interfering with free and fair elections; and inciting a violent insurrection at the United States Capitol.”

“Google’s algorithms are far from neutral,” said Hostetler. “Over the past several years, we have watched social media companies enormously profit by recommending content containing disinformation, incitement to violence, and hate speech, with significant ramifications to the health of their users and the stability of democracy both here and in other countries.”

Free Speech For People has called for congressional action to address the unchecked power of big tech and social media companies. The [Big Tech Accountability Act](#), the organization’s model federal legislation, is designed to hold social media companies accountable; protect internet users, voters, and the broader community from the dangers of rampant amplification of disinformation and violence; and protect online personal privacy and autonomy.

The Supreme Court is expected to rule on *Gonzalez and Twitter, Inc. v. Taamneh* in 2023.

Read the brief [here](#).

###