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30 July 2021

Section 230 Literature Analysis – Notes & Summaries

Description & General History of Section 230

[1] Free Speech Savior or Shield for Scoundrels: An Empirical Study of Intermediary Immunity Under Section 230 of the Communications Decency Act (Ardia, David)

Citation:

Ardia, David S., Free Speech Savior or Shield for Scoundrels: An Empirical Study of Intermediary Immunity Under Section 230 of the Communications Decency Act (June 16, 2010). Loyola of Los Angeles Law Review, Vol. 43, No. 2, 2010, Available at SSRN: https://ssrn.com/abstract=1625820

FOSTA and Challenges to 230

[2] The Complicated Story of Fosta and Section 230 (Goldman, Eric)

Citation:

Goldman, Eric, The Complicated Story of FOSTA and Section 230 (2019). First Amendment Law Review, Vol. 17, page 279, 2019, Available at SSRN: https://ssrn.com/abstract=3362975

Notes & Summaries:

[1] Free Speech Savior or Shield for Scoundrels: An Empirical Study of Intermediary Immunity Under Section 230 of the Communications Decency Act (Ardia, David)

Abstract: an empirical analysis of all 184 court decisions issued since its enactment (presumably to the paper's publishing in 2009).

Pervasiveness of Private Intermediaries: The Internet is a decentralized entanglement of private networks, routers, and backbones communicating via a suite of common languages. To illustrate what functions these intermediaries perform, consider a friend uploading a video to *YouTube*:

> First, your friend navigates to YouTube.com, accomplishing this through yet another set of intermediaries. All Internet communication is accomplished by splitting data into pockets and directing it to routers, operated by intermediaries throughout the network. These hardware identify a specific computer by its respective (and unique) IP address. When she types in YouTube.com, this is a domain name, often maintained by her Internet Service Provider (ISP), which is mapped to its own IP address.
>
> Once she begins uploading, her video is sent from her computer to the network run by her ISP; it then sends the data constituting the video to the network owned by the ISP servicing YouTube. From there, YouTube's servers receive the video, completing the process. The entire sequence of steps is reversed (with a slightly different set of intermediaries) when you visit the site to view the video.

Based on the above example, it is possible to group intermediaries into three general classifications:

1. Communication Conduits: intermediaries that facilitate the physical transport of data across a network
2. Content Hosts:
3. Search/Application Providers: