

Briefing: Senate Debate No. 3 [Section 230]

Introduction:

Welcome to the Senate! I'm so happy that you're interested in speaking at our debate on Section 230. Whether you're interested in speaking as a named speaker, speaking from the floor, or just listening to the arguments from both sides, we welcome you to the Senate.

Here is some information that I hope you will find helpful:

Motion: "This House believes that Section 230 of the Communications Decency Act should not be amended or overturned."

Context:

TL;DR: The main question at hand is whether or not companies should be liable for what their users post. Additionally, there is a question about if and how companies should moderate their users' content.

Section 230 of the Communications Decency Act, first passed in 1996, is a key law regulating speech on the internet. Of particular concern is the "liability shield," which holds that 'interactive computer services' generally can't be treated as the publisher or the speaker of third-party content*. In practice, this means that websites can't be sued for the content their users post, even if it's illegal.

The intent behind Section 230 is to ensure that site owners can moderate their sites without worrying about legal liability, which means that this law is key to the way that websites with user-generated content, especially social media sites, function. For this reason, it's been called "the most important law protecting internet speech" by organizations like the Electronic Frontiers Foundation. However, other actors have argued that Section 230 lets platforms get away with causing real harm to their users. Recently, the Supreme Court has considered this question in the pending case *Gonzalez v. Google*, where Google is being sued for hosting terrorist content that radicalized certain users on its servers.

Some Additional Context: Who's Saying What?

Both previous administrations have tried to change Section 230. President Trump drafted an order calling on judges to interpret Section 230 more narrowly, though this was later tabled. President Biden has called on Section 230 to be scrapped and rewritten entirely. Additionally, President Trump signed into law the FOSTA-SESTA law, which states "that Section 230 doesn't apply to civil and criminal charges of sex trafficking or to conduct that 'promotes or facilitates prostitution.'" As a result, platforms like Craigslist removed parts of their websites, like the Personals section, out of fear of litigation. Further legislation like the EARN IT act is currently being considered in Congress, and Democrats and Republicans have each introduced their own possible changes, such as limiting the scope of Section 230 protections and restricting moderation immunity, respectively.

Civil liberties organizations such as the ACLU, EFF, Knight Institute at Columbia, RCFP, and NYU Stern, as well as "Big Tech" firms like Google and Twitter, have been critical of any narrowing of the scope of Section 230. Conversely, national security officials, bipartisan political figures, including both recent Presidents, the National Police Association, National Center on Child Exploitation, and others have come out in favor of narrowing the scope of Section 230 or overturning it altogether.

*Except for certain violations of criminal law, sex-work related material, and copyright violations.

You may wish to consider: What would the effects of overturning Section 230 be? What, if anything, would be a better alternative to Section 230 law? Have other countries enacted similar legislation, and what occurred there? What role does online speech play in this discussion, and would there be a chilling effect on it if Section 230 was overturned? Do companies have a moral responsibility to ensure the safety of their users, and what does "safety" mean in that instance?

Speakers:

TL;DR: To sign up to speak, email danielshaw@princeton.edu.

Government -- FOR the motion. **All positions filled.**

Opposition -- AGAINST the motion. **All positions filled.**

Note: If the side you would like to speak for has been filled, you can still speak for or against the motion during the Floor Debate!

The Government will provide the Prime Minister and the Government Whip, and the Opposition will provide the Leader of the Opposition and Opposition Whip. *You should decide amongst yourselves who will take what part, and let me know before the debate begins.*

You may sign up to speak either individually or as part of a team. If you are signing up as a team, please send one email with the names and contact details of both team members.

Debate Format:

Introduction — Presiding Officer, 5 Minutes.

Preliminary Vote — All Members, 2 Minutes.

Government I — Prime Minister, 8 Minutes.

Opposition I — Leader of the Opposition, 8 Minutes.

Caucus Meeting — All Members, 10 Minutes.

Floor Debate — Floor Speakers, 15 Minutes, 2 Minutes Each. Extendable by Presiding Officer on Majority Vote.

Government II — Government Whip — 6 Minutes, No New Information.

Opposition II — Opposition Whip — 6 Minutes, No New Information.

Final Vote — All Members, 5 Minutes.

Conclusion — Presiding Officer, 2 Minutes.

If this is your first time attending a Senate Debate, you're encouraged to [click here to see a slideshow](#) that goes through each of the sections in more detail.

Food and When to Arrive:

We are happy to provide drinks from Junbi for our speakers. If you are interested in speaking, please let me know which side you are interested in speaking for, as well as any drink order you would like from Junbi (one drink per speaker.) We will also be ordering catering from Lil Thai Pin as well, so please let me know if you have any dietary restrictions.

*If you are speaking, please be in the Senate Chamber by about 4:45 PM. **The event is on Thursday (4/6/23) at 5:00 PM.***

How to Prepare:

Everyone approaches preparation differently. You might find it helpful to meet with your partner beforehand to discuss the motion, any ideas you want to bring forward, and the order you want to speak in.

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Don't feel pressured to prepare too much — often, speakers just meet with their partner about half an hour in advance to go over some key talking points.

Other Information/Additional Announcements:

Constitution and Standing Rules

For your reference, you may view the [Senate Constitution](#) and [Standing Rules](#) by clicking on these links. *You are **strongly encouraged** to review Standing Rules 1, 4, and 6 as well as Article 4 of the Constitution, especially if you have not been in a Senate Debate before.*

Standing Rules Amendments

Standing Rules Sections 3.1.4, 3.1.5, and 3.1.6, and 4.1 have proposed amendments, which are visible on the Standing Rules document.

Additional Information and Appendix

You may [click here](#) to find additional information, including the Rule 7 assessment for the debate, important excerpts from the rules, and relevant speech guidelines, as well as a notification of your rights regarding proposed amendments to the Standing Rules.

If you would like to follow along during debate, we've developed a handout so that you can see exactly what we're doing and why we're doing it. [Click here to view](#).

Some Notes on Rules

- There is a strict no-media policy for Senate Debates, so recording devices are not permitted in the chamber. We also strictly adhere to the Chatham House rule. See: Senate Constitution, 4.7.
- There are traditional forms of address for Senate members, which you are encouraged but not required to use. These can be found in the additional information document.
- There are rules regarding allowed and disallowed speech in the Senate, which can be found in the additional information document. Generally, speech that is germane, doesn't violate University policy, and isn't an ad-hominem attack is permitted.

If you have any other questions, please do not hesitate to let me know.

Very truly yours,

Daniel Shaw

President of the Senate