RESPONSE

WHAT WAS THE PURPOSE OF SECTION 230? THAT'S A TOUGH QUESTION.[†]

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[†] An invited response to Danielle Keats Citron, *How To Fix Section 230*, 103 B.U. L. REV. 713 (2023).

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INTRODUCTION

Danielle Citron was addressing the harms that people experienced online more than a decade before it was the subject of constant headlines and congressional hearings.[1] More than any other academic, Citron has critically evaluated how our legal system serves—or does not serve—the victims of online harassment, stalking, and other serious injuries. Section 230 of the Communications Decency Act, which immunizes online platforms for most user content, has correctly been one of the focuses of her research. Beginning in this law review in 2009,[2] Citron has explored how § 230 contributes to platforms' decisions to protect their users from harmful content, and changes to the statute that could entice platforms to be more responsible. Central to Citron's writings over the years have been proposals to condition § 230 protections on a duty of reasonable care.

This article is the latest iteration of Citron's proposal to change § 230.[3] Citron has refined her plan, and addresses many of the concerns that I and others have raised over the years about the collateral impacts of changes to § 230. Although I continue to have concerns about some unintended consequences of changes to § 230, Citron's proposal is the most nuanced and narrowly focused, and engages with criticisms that other plans overlook entirely.

I particularly appreciate Citron's attempt to link her proposal to the initial intent of § 230.[4] Media coverage and political debate about § 230 has too often made incorrect assumptions about what Congress intended when it passed § 230. Citron carefully (and correctly) examines the history and context of § 230's passage in 1996, and concludes that some interpretations of the statute have strayed from the initial intent to provide immunity for Good Samaritan platforms that block harmful content.[5]

What was Congress's intent in passing § 230? It sounds like a straightforward question, but it is anything but. Congress passed § 230 as a small part of the Telecommunications Act of 1996,[6] the first overhaul of U.S. telecommunications laws in six decades. Section 230 received little attention in Congress or the media, so the legislative history is limited. Compounding the challenge is that § 230's text evolved in subtle but consequential ways between its introduction and passage, making it difficult to divine a single intent of "Congress."

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[1] *See generally* DANIELLE KEATS CITRON, HATE CRIMES IN CYBERSPACE (2014).

[2] *See generally* Danielle Keats Citron, *Cyber Civil Rights*, 89 B.U. L. REV. 61 (2009).

[3] *See generally* Danielle Keats Citron, *How To Fix Section 230*, 103 B.U. L. REV. 713 (2023).

[4] *Id.* at 721-23.

[5] *Id.* at 718-19.

[6] Telecommunications Act of 1996, Pub. L. No. 104-104, 110 Stat. 56 (codified as amended in scattered sections of 47 U.S.C.).

In Part I of this Response, I contextualize the the purpose of § 230 by tracing details of its evolution and passage. In Part II, I examine Citron's proposal through the lens of this congressional purpose.

I. THE PURPOSE OF § 230

The purpose of § 230 is not static. We can see various motivations if we examine the statute and its context before it was drafted, when it was initially introduced and debated on the House floor, how it was changed in conference committee, and the statements of its authors after its passage. This Part explains how § 230 evolved and attempts to define the intent of § 230 throughout that evolution.

A. *Before § 230*

Any attempt at finding the purpose behind § 230 requires an examination of the state of the law before 1996. What was the liability standard for companies that distributed the content of others? In 1959, the Supreme Court struck down a Los Angeles ordinance that imposed liability on bookstores that sold obscene books regardless of whether the bookseller read the material.[7] The Court reasoned that such strict liability would have a chilling effect on constitutionally protected speech.[8] That First Amendment principle extended to the common law of defamation, with the Restatement (Second) of Torts declaring that "one who only delivers or transmits defamatory matter published by a third person is subject to liability if, but only if, he knows or has reason to know of its defamatory character."[9] Unlike a newspaper publisher, which was just as liable for the words on its pages as the authors, a newsstand received distributor liability protections and was only liable if it knew or had reason to know of the defamatory material.

In the early 1990s, courts struggled to apply these rules to early online services such as dial-up bulletin boards and chat rooms. Although the services, such as CompuServe and Prodigy, distributed content they did not create, they did so on a much larger scale than bookstores and newsstands.[10] And while

[7] Smith v. California, 361 U.S. 147, 154-55 (1959).

[8] *Id.* at 153 ("For if the bookseller is criminally liable without knowledge of the contents, and the ordinance fulfills its purpose, he will tend to restrict the books he sells to those he has inspected; and thus the State will have imposed a restriction upon the distribution of constitutionally protected as well as obscene literature." (footnote omitted)).

[9] RESTATEMENT (SECOND) OF TORTS § 581 (AM. L. INST. 1977); *see also* Lerman v. Chuckleberry Pub., Inc., 521 F. Supp. 228, 235 (S.D.N.Y. 1981) ("With respect to distributors, the New York courts have long held that vendors and distributors of defamatory publications are not liable if they neither know nor have reason to know of the defamation."), *rev'd sub nom.* Lerman v. Flynt Distrib. Co., 745 F.2d 123 (2d Cir. 1984).

[10] Ken Gagne & Matt Lake, *CompuServe, Prodigy et al.: What Web 2.0 Can Learn from Online 1.0*, COMPUTERWORLD (July 15, 2009, 6:00 AM), https://www.computerworld.com/article/2526547/compuserve--prodigy-et-al---what-web-2-0-can-learn-from-online-1-0.html [https://perma.cc/UU3X-N9L4].

brick-and-mortar distributors played a limited editorial role by deciding whether to sell particular books or newspapers, online services had the potential to exercise more granular editorial control by deleting portions of user content or banning users.

The first case in which a court applied these common law rules to online services involved a defamation claim against CompuServe, arising from a newsletter that a third party posted on a CompuServe forum.[11] The judge granted summary judgment to CompuServe, reasoning that because it did not exercise sufficient "editorial control," it was a distributor just like a bookstore,[12] and there was no evidence that CompuServe knew or had reason to know of the defamatory material.[13] A few years later, in *Stratton Oakmont v. Prodigy*,[14] a New York state trial court judge refused to grant distributor protections to Prodigy, reasoning that Prodigy exercised far greater editorial control over user content. In other words, Prodigy was penalized because it moderated harmful content.

The May 1995 ruling against Prodigy—and the perverse incentive that it created for platforms—attracted national media attention.[15] A lawyer for Prodigy rival America Online "said she hoped that on-line services would not be forced to choose between monitoring bulletin boards and assuming liability for users' messages."[16]

This concern was particularly important in 1995, as the House and Senate were each drafting a version of the Telecommunications Act of 1996. Although most of the focus of the debate was on now-arcane issues such as local phone service competition, some members were worried about children being able to access pornography on the internet. Three weeks after Prodigy lost its case in New York, the Senate added the Communications Decency Act ("CDA") to its version of the bill.[17] The CDA would impose criminal penalties for the online transmission of indecent material to minors.[18] The measure attracted bipartisan opposition, with House Speaker Newt Gingrich saying, "It is clearly a violation of free speech, and it's a violation of the right of adults to communicate with

[11] Cubby, Inc. v. CompuServe, Inc., 776 F. Supp. 135, 138 (S.D.N.Y. 1991).

[12] *Id.* at 140 ("A computerized database is the functional equivalent of a more traditional news vendor, and the inconsistent application of a lower standard of liability to an electronic news distributor such as CompuServe than that which is applied to a public library, book store, or newsstand would impose an undue burden on the free flow of information.").

[13] *Id.* at 141.

[14] Stratton Oakmont, Inc. v. Prodigy Servs. Co., No. 31063/94, 1995 WL 323710, at *5 (N.Y. Sup. Ct. May 24, 1995) ("Prodigy's conscious choice, to gain the benefits of editorial control, has opened it up to a greater liability than CompuServe and other computer networks that make no such choice.").

[15] *See, e.g.*, Peter H. Lewis, *Judge Allows Libel Lawsuit Against Prodigy To Proceed*, N.Y. TIMES, May 26, 1995, at D4.

[16] *Id.*

[17] Communications Decency Act of 1995, S. 314, 104th Cong. (1995).

[18] *See* JEFF KOSSEFF, THE TWENTY-SIX WORDS THAT CREATED THE INTERNET 62 (2019).

each other."[19] Democratic Senator Patrick Leahy agreed, pointing to technology that allows parents to block harmful content. "Empowering parents to manage—with technology under their control—what the kids access over the Internet is far preferable to bills . . . that would criminalize users or deputize information-service providers as smut police," he said.[20]

B. *Section 230 as Introduced*

In the House, Republican Chris Cox and Democrat Ron Wyden proposed an alternative to the CDA.[21] Their bill, introduced on June 30, 1995, about two weeks after the Senate added the CDA to its telecommunications bill, was titled the Internet Freedom and Family Empowerment Act, and would later become § 230.[22]

As introduced, subsection (c) of the bill read as follows:

> (c) Protection for 'Good Samaritan' Blocking and Screening of Offensive Material.—No provider or user of interactive computer services shall be treated as the publisher or speaker of any information provided by an information content provider. No provider or user of interactive computer services shall be held liable on account of—
>
> > (1) any action voluntarily taken in good faith to restrict access to material that the provider or user considers to be obscene, lewd, lascivious, filthy, excessively violent, harassing, or otherwise objectionable, whether or not such material is constitutionally protected; or
> >
> > (2) any action taken to make available to information content providers or others the technical means to restrict access to material described in paragraph (1).[23]

But subsection (c) was not the only operative provision. Subsection (d) read:

> FCC Regulation of the Internet and Other Interactive Computer Services Prohibited.—Nothing in this Act shall be construed to grant any jurisdiction or authority to the Commission with respect to economic or content regulation of the Internet or other interactive computer services.[24]

The bill included exceptions for federal criminal law and intellectual property. It said that the law shall not "be construed to prevent any State from enforcing any State law that is consistent with this section," but did not address whether it preempts inconsistent state laws.[25]

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[19] Nat Hentoff, *The Senate's Cybercensors*, WASH. POST (July 1, 1995), https://www.washingtonpost.com/archive/opinions/1995/07/01/the-senates-cybercensors/482e8dc4-9560-458e-8696-14ab241ce6f1/.

[20] *Id.*

[21] Internet Freedom and Family Empowerment Act, H.R. 1978, 104th Cong. (1995).

[22] *Id.*

[23] *Id.*

[24] *Id.*

[25] *Id.*

Cox and Wyden included findings, including that the Internet represents "an extraordinary advance in the availability of educational and informational resources to our citizens," that online services "offer users a great degree of control over the information that they receive, as well as the potential for even greater control in the future as technology develops," and that online services "have flourished, to the benefit of all Americans, with a minimum of government regulation."[26] The bill included statements of policy, including "promote the continued development of the Internet and other interactive computer services and other interactive media," and "remove disincentives for the development and utilization of blocking and filtering technologies that empower parents to restrict their children's access to objectionable or inappropriate online material."[27]

The text of the bill, as introduced, suggests that Cox and Wyden wanted to fix the *Stratton Oakmont* problem by ensuring that online services would not be "treated as the publisher or speaker" of third party content, nor would they be liable for good-faith efforts to block content. They wanted to encourage the development and use of services such as Net Nanny, which blocks inappropriate websites.[28] But that was not their only goal. Subsection (d), by prohibiting FCC regulation of the internet, reflects a desire to prevent the government from micromanaging the internet.

The sparse media coverage of their proposal reflected both goals, but did not mention immunizing online services for a wide swath of user content. An article by Kara Swisher in the *Washington Post* reported that the bill "encourages private industry to develop filtering technology that would give parents and teachers tools to control what children encounter on-line."[29] And a Prodigy news release quoted a statement of Cox and Wyden, criticizing the *Stratton Oakmont* decision.[30] "Such legal vulnerability will have a chilling effect on current industry efforts to provide 'family-friendly' service through the use of new screening and filtering technologies," they said.[31] The media coverage supports the reading of the text that the bill, when introduced, was intended to avoid the perverse incentive created by *Stratton Oakmont* and prevent the government from regulating the internet.

[26] *Id.*

[27] *Id.*

[28] NET NANNY, https://www.netnanny.com/ [https://perma.cc/QCM6-5TEK] (last visited Mar. 17, 2023).

[29] Kara Swisher, *Ban on On-Line Smut Opposed*, WASH. POST (July 18, 1995), https://www.washingtonpost.com/archive/business/1995/07/18/ban-on-on-line-smut-opposed/8b06a468-1805-4830-8bdc-454521b633a9/.

[30] Press Release, Prodigy Servs. Co., *Supported by Its Competitors and in Congress, Prodigy Presses Its Case in Online Libel Suit* (July 26, 1995) (on file with author).

[31] *Id.*

C. *Section 230 Debated on the House Floor*

Congress never held a hearing about § 230, so the most extensive record of legislative debate comes from the House floor debate on August 4, 1995, when Representatives debated potential amendments to the House version of the Telecommunications Act.[32] The discussion of § 230 consumes less than four pages in the Congressional Record, and there was no substantive opposition.[33]

Cox reiterated the twin goals of § 230. First, Cox reiterated his desire to avoid a repeat of *Stratton Oakmont*.

> [I]t will protect computer Good Samaritans, online service providers, anyone who provides a front end to the internet, let us say, who takes steps to screen indecency and offensive material for their customers. It will protect them from taking on liability such as occurred in the Prodigy case in New York that they should not face for helping us and for helping us solve this problem.[34]

Second, he emphasized the need to avoid government regulation of the internet.

> [I]t will establish as the policy of the United States that we do not wish to have content regulation by the Federal Government of what is on the Internet, that we do not wish to have a Federal Computer Commission with an army of bureaucrats regulating the Internet because frankly the Internet has grown up to be what it is without that kind of help from the Government.[35]

Wyden reinforced both goals, stating that "parents and families are better suited to guard the portals of cyberspace and protect our children than our Government bureaucrats."[36]

Other members largely praised the bill as a better approach than the Senate's CDA. Rep. Ed Markey hailed the bill as a "significant improvement" over the CDA.[37] Rep. Bob Goodlatte said the bill is "a thoughtful approach to keep smut off the net without government censorship."[38] Rep. Zoe Lofgren said the bill "is like saying that the mailman is going to be liable when he delivers a plain brown envelope for what is inside it."[39] Rep. Joe Barton said the House bill is "a reasonable way to provide those providers of the information to help them self-regulate themselves without penalty of law."[40]

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[32] 141 CONG. REC. 22044-47 (1995).

[33] *Id.*

[34] *Id.* at 22045.

[35] *Id.*

[36] *Id.*

[37] *Id.* at 22046.

[38] *Id.* at 22047.

[39] *Id.* at 22046.

[40] *Id.*

The House voted 420-4 to add the Cox-Wyden bill to its telecommunications bill.[41] But before Congress could vote on a final Telecommunications Act, a conference committee had to reconcile the House version, which contained § 230, and the Senate version, which contained the CDA.

D. *Section 230 in Conference Committee*

The ultimate compromise in conference committee was to include both the CDA and the Cox-Wyden § 230 in the same title of the final bill (which is why it is now commonly known as § 230 of the Communications Decency Act). But the version of § 230 that emerged from conference committee had small tweaks that fundamentally changed the meaning of the statute.

First was a critical one-word change. The first sentence of subsection (c): "No provider or user of interactive computer services shall be treated as the publisher or speaker of any information provided by *an* information content provider,"[42] became the critical 26 words: "No provider or user of an interactive computer service shall be treated as the publisher or speaker of any information provided by *another* information content provider."[43] By replacing "an" with "another," the conference committee clarified that the immunity only applies to content created by someone other than the entity being protected.

Second, subsection (c) was broken into two sub-subsections. That first 26-word section became subsection (c)(1), under the heading "Treatment of publisher or speaker." The remainder of subsection (c), dealing with good-faith efforts to restrict objectionable content, became subsection (c)(2), under the heading "Civil liability." This structural change clarified a new intent for two different types of liability protection, with (c)(1) addressing immunity from being treated as the publisher of third-party content, and (c)(2) considering immunity from claims arising from taking down material, regardless of whether it is third-party-content or content created by the interactive computer service.

Third, the conference committee deleted subsection (d), which prohibited the Federal Communications Commission ("FCC") from regulating internet content. The limited media coverage and congressional debate had emphasized the prevention of government regulation of the internet. No record exists explaining why the committee made this change, but it eliminated one of most prominent justifications for the bill.

Fourth, the conference committee added a critical sentence that clarified the intention to preempt litigation: "No cause of action may be brought and no liability may be imposed under any State or local law that is inconsistent with this section."[44] Between this addition and the elimination of subsection (d), § 230 shifted from a bill that focused on prohibiting FCC regulation to one intended to preclude liability in court.

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[41] *Id.* at 22054.

[42] *Id.* at 22044.

[43] 47 U.S.C. § 230(c).

[44] *Id.* § 230(e).

The conference committee left little record of the purpose behind the changes. The 214-page conference report for the Telecommunications Act contains only three paragraphs about § 230, emphasizing that the committee intended to overturn *Stratton Oakmont*.[45]

E. *Section 230 After Passage*

A year after § 230 passed, the Fourth Circuit, in *Zeran v. America Online, Inc.*,[46] became the first federal appellate court to interpret § 230. And it did so in a particularly broad manner, finding that subsection (c)(1) means that "lawsuits seeking to hold a service provider liable for its exercise of a publisher's traditional editorial functions—such as deciding whether to publish, withdraw, postpone or alter content—are barred."[47] Section 230 could be read as providing a more limited protection for platforms and triggering liability if they knew or had reason to know of the defamatory or otherwise actionable user content. But other courts quickly adopted the *Zeran* interpretation.

Did Congress intend such a broad reading? In a 2002 committee report, the House Committee on Energy and Commerce confirmed that it did. It pointed to the broad interpretations, including *Zeran*, and wrote that "[t]he courts have correctly interpreted section 230(c), which was aimed at protecting against liability for such claims as negligence."[48]

In a 2023 Supreme Court amicus brief, Cox and Wyden agreed with the broad interpretations of § 230, writing that the law was intended both to overturn *Stratton Oakmont* and provide breathing space for online platforms. "Congress enacted § 230 of the Communications Decency Act in order to protect Internet platforms' ability to publish and present user-generated content in real time, and to encourage them to screen and remove illegal or offensive content."[49]

In a 2020 article, Cox wrote that § 230 was intended to establish a "uniform federal policy" for the internet that prevents state-by-state rules.[50] But he

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[45] H.R. REP. NO. 104-458, at 194 (1996) (Conf. Rep.) ("One of the specific purposes of this section is to overrule *Stratton-Oakmont* v. *Prodigy* and any other similar decisions which have treated such providers and users as publishers or speakers of content that is not their own because they have restricted access to objectionable material. The conferees believe that such decisions create serious obstacles to the important federal policy of empowering parents to determine the content of communications their children receive through interactive computer services.").

[46] 129 F.3d 327, 330 (4th Cir. 1997).

[47] *Id.* at 330.

[48] H.R. REP. NO. 107-449, at 13 (2002).

[49] Brief of Senator Ron Wyden and Former Representative Christopher Cox as Amici Curiae in Support of Respondent at 2, Gonzalez v. Google LLC, 143 S. Ct. 80 (2022) (No. 21-1333).

[50] Christopher Cox, *The Origins and Original Intent of Section 230 of the Communications Decency Act*, UNIV. OF RICH. J.L. & TECH. (Aug. 27, 2020), https://jolt.richmond.edu/2020/08/27/the-origins-and-original-intent-of-section-230-of-the-communications-decency-act/ [https://perma.cc/YL3K-PKSN] ("Were every state free to adopt its own policy concerning when an internet platform will be liable for the criminal or

emphasized that if a platform is even partially responsible for creating the illegal content, § 230 does not apply.[51]

II. THE PURPOSE OF § 230 AND CITRON'S PROPOSAL

So what is the purpose of § 230? It depends on the moment in time. When § 230 was initially drafted and debated, the main purposes appeared to be reversing *Stratton Oakmont*'s perverse incentive against moderation and preventing government regulation of the internet. But the purpose of the enacted version was somewhat different: while § 230 still intended to reverse *Stratton Oakmont*, it appeared less focused on preventing government regulation and more focused on limiting lawsuits arising from third-party content.

When attempting to articulate § 230's purpose, should we look at its initial drafting or the final bill? That is a difficult call, particularly because it is unlikely that most members of Congress were aware of or understood § 230 when they voted on the final Telecommunications Act. But regardless of which version of § 230 we examine, two enduring purposes are reflected: (1) providing platforms with the flexibility to moderate, and (2) promoting free speech and online innovation by helping platforms flourish.

Is Citron's proposal aligned with those purposes? Citron proposes preserving § 230(c)(2), which is in sync with § 230's purpose of providing platforms with flexibility to moderate.[52] The more difficult question is whether Citron's changes to § 230(c)(1) are aligned with the goal of promoting online innovation and growth.

For § 230(c)(1), Citron proposes two changes. First, she would exclude platforms that "purposefully or deliberately solicit, encourage, or keep up material that they know or have reason to believe constitutes stalking, harassment, or intimate privacy violations."[53] Second, for platforms seeking § 230(c)(1) immunity in cases involving intimate privacy violations, cyber stalking, and cyber harassment, Citron proposes that platforms must demonstrate that they meet a duty of care for such claims that is defined by "reasonable steps" that Congress specifies, such as having reporting mechanisms for intimate privacy violations.[54] The Federal Trade Commission or another agency would have rulemaking authority to detail how to meet the duty of care.

This proposal is more refined than that of a 2017 article that Citron had co-authored, which would have required § 230(c)(1) in all cases to be conditioned

tortious conduct of another, not only would compliance become oppressive, but the federal policy itself could quickly be undone. All a state would have to do to defeat the federal policy would be to place platform liability laws in its criminal code.").

[51] *Id.* ("In this respect, statutory form clearly followed function: Congress intended that this legislation would provide no protection for any website, user, or other person or business involved even in part in the creation or development of content that is tortious or criminal.").

[52] *See* Citron, *supra* note 3, at 746-50.

[53] *Id.* at 750.

[54] *Id.* at 753-54.

on a duty of care that is defined by unspecified "reasonable steps."[55] Admirably, Citron recognizes the unintended consequences of conditioning § 230 on an unspecified duty of care, and she addresses this downside by attempting to provide more granularity and predictability. Citron's latest proposal has less potential to stifle free speech and online innovation than the 2017 proposal. The more predictability, the better.

Of course, the devil is in the details, and regulators would determine those details in the future. The greatest risk to online innovation would be regulators who craft the rules so that only the largest platforms could meet the duty of care. The risk of regulatory capture is real, as is the reality of the revolving door between large companies and regulatory agencies. Worse would be for regulators with ties to Big Tech crafting requirements that only Big Tech has the resources to meet. Shutting out smaller competitors would be contrary to the initial goals of § 230. I am tempted to suggest that smaller platforms be excluded from the duty of care, but Citron compellingly illustrates examples in which small platforms have engaged in bad acts.[56] The challenge, therefore, is to ensure that the rules are both effective in combating intimate privacy violations while remaining achievable by platforms of all sizes.

To address this challenge, Citron's proposal might benefit from including more granular details about the specific steps in the statute, to prevent a future regulator from stacking the decks against Big Tech's smaller competitors. Such granularity, unfortunately, would carry its own shortcomings, as it might prevent a regulator from addressing emerging technological challenges.

Citron argues that requiring reasonable steps to address such privacy violations could actually facilitate more speech, as it would create more inclusive spaces. Such an argument has merit, and would certainly be in line with the second primary goal of § 230. However, such benefits would need to be weighed against any reduction in speech venues if the duty of care were unattainable for some platforms.

So is Citron's proposal aligned with the initial intent of § 230? It is hard to say with any degree of certainty because there are too many unknowable factors, including: the identity of the regulators determining the specific steps, what those steps might be, how platforms would react to those requirements, the future of economics of online platforms, and how courts might apply First Amendment distributor protections to platforms that did not qualify for § 230. But I can say with certainty that Citron's refinements to her proposal over the years demonstrate an attempt to adhere more closely to § 230's goals of promoting moderation and online speech.

It is worth noting that while Citron and I want to retain the first goal of § 230—giving platforms wide discretion to moderate—a large contingent of the policy world does not. Commentators, lawmakers, and some judges do not

[55] *See* Danielle Keats Citron & Benjamin Wittes, *The Internet Will Not Break: Denying Bad Samaritans § 230 Immunity*, 86 FORDHAM L. REV. 401, 420 (2017).

[56] *See* Citron, *supra* note 3, at 757.

believe that the First Amendment protects platforms' unfettered discretion to block harmful content, nor do they believe that § 230 should protect such choices. Because Citron's proposal would require a majority of the House and Senate to agree to a new statute, it cannot be divorced from the political reality. And that reality is that the people who run Washington are deeply divided as to what they want the internet to look like and the role that they envision platforms playing.

CONCLUSION

This response has focused on the goals of § 230 when it was debated in 1995 and passed in 1996. Those goals are not written in stone, and Congress could always choose to prioritize other values over private sector-driven moderation and free speech. But doing so could fundamentally change the nature of the internet we have known for more than a quarter century. I am not convinced that § 230 needs to change, and on balance, I still worry that the harms will outweigh the costs. But many disagree, and the discussions about § 230 reform continue at a rapid pace. I hope that more of those discussions contain as much nuance and introspection as Citron's latest article.