

**REMARKS OF
COMMISSIONER JESSICA ROSENWORCEL
FEDERAL COMMUNICATIONS COMMISSION
“SECTION 230, ONLINE SPEECH, AND THE FCC”
RIGHTSCON ONLINE 2020
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Good afternoon. It is a privilege to join you virtually to help kick off what has become the world’s leading summit on human rights in the digital age.

These are historic days. A public health emergency has exposed the fragility of our lives. It has shattered economies. We have protests calling for a reckoning over systemic racial injustice. We need connections now—physical and digital—that strengthen our mutual bonds, remind us that our fates are united, and that our interdependence is powerful.

If you want evidence, look around. Because around the world this pandemic has made internet access move from nice-to-have to need-to-have. In the United States, an online connection is now essential to maintain some semblance of modern life. As a nation, we have moved online for education, healthcare, commerce, and more.

Now it is incumbent on us to extend this essential technology into a new decade and, eventually, into a post-pandemic era. Get ready. Because we have a lot of work to do on that front. Because we’ve learned that while this formidable tool can bring us together, it can divide us too. We know we need to do more to combat misinformation, violent content, and hate online. And we are still struggling with a set of fundamental rights—the right to free speech, the right to free press, the right to assembly, and the right to association—and what they mean online.

It will not be easy, but I am an optimist. I think gatherings like this are places where we move that blueprint forward. Where we advance the idea that we can connect more people around the world—and that we can do so in a way that is safe, secure, trustworthy, and inclusive of everyone who wants to participate. Because human rights and democracy are not just principles for the physical world. They need meaning in the digital world, too.

Today in the United States we have an opportunity to help do just that—and I think we should seize it. If you’re wondering what I mean by that, roll back to May 28 of this year and I’ll explain.

On May 28, the President of the United States signed an Executive Order. Under this order—at the direction of the President—the National Telecommunications and Information Administration is filing a petition today with the Federal Communications Commission.

In it, the Administration is asking the FCC to come up with rules moderating online content. We are told to do so using a law known as Section 230 of the Communications Decency Act of 1996.

So how did we get here? Let's start with Section 230. It offers internet companies protection from liability for the content their users post. Section 230 has been called "the twenty-six words that created the internet," and it has helped free expression flourish online for decades. Like most things with the internet, it has its supporters and detractors. It has those who want to see it continue in its current form and others who want to adjust it to reflect the realities of the current digital age. But if you look far and wide, you won't find a community that believes having the FCC use Section 230 to regulate speech online is the way to go.

Still, the Administration is insisting. Remember, at the highest level of our government we've had rants about social media bias and accusations that certain companies are stifling speech. But the First Amendment is not present to protect the President from media. It's present to protect media from the President. Nonetheless, those rants eventually found their home in an Executive Order—which brought this issue to the FCC.

As a Commissioner, I don't think we should take the bait. While social media can be frustrating, turning the FCC into the President's speech police is not the answer. The FCC needs to reject this effort to deploy the federal government against free expression online. In fact, if we honor the Constitution, we will do so immediately.

I worry my colleagues at the FCC won't. I also worry that this petition is not just about changing the law. Because any legal expert worth their salt will tell you that changing the law like this is not the job of a regulatory agency like mine. It's the job of Congress. I think the NTIA knows that. But even just proposing something like this has consequences. Governments that threaten to chill speech can discipline private sector actors without changes in law ever becoming necessary. So what we have here is an invitation from the President for the FCC to chill online speech and organize it in his favor. We need to reject this loud and clear.

In the United States we are a democratic, open society in which people can hold their government accountable, even if imperfectly. Whether we can keep it that way depends on the survival of a robust, independent digital space for activism and public discourse. These spaces only thrive if we say no to the President's invitation to make our networks less open and more closed to civic debate.

I think the American people know right from wrong, free expression from government censorship, and real change from baser rhetoric and rants. I think when we get the facts, organize, and mobilize we can make progress. Progress right now means surviving the crises of the moment without sacrificing the values that have made us successful in the past. So roll up your sleeves. We have work to do. Because we not only want the benefits of the digital age to reach all we want it to help foster human rights and dignity for all. And we can start in the United States by saying no to the petition filed with the FCC today.

Thank you.