

3 Supreme Court cases could upend social media's playbook

Article

The news: The internet might be on the verge of fundamental change as the US Supreme Court hears social media-related cases this term.

- The cases will challenge **Section 230 of the Communications Decency Act**, which provides companies with legal liability protection over hosting third-party content.

- The first case on the court's docket involves a lawsuit against **Google** over whether **YouTube** videos from terrorist group ISIS played a role in a US citizen's death during a 2015 attack in Paris, [per](#) Ars Technica.
- **The plaintiffs argue that Google "knowingly permitted ISIS to post on YouTube hundreds of radicalizing videos inciting violence,"** [per](#) NBC.
- Google, which asked the court not to take the case, says the lawsuit is too ambiguous and that it has since overhauled its terrorism-related content policies.
- The second case involves how much [responsibility](#) companies like **Twitter** have in keeping terrorists off their sites, [per](#) NBC.
- A third potential case concerns legislative [efforts](#) in Texas and Florida to bar tech companies from removing certain types of content.

Algorithms under scrutiny: We can expect that [algorithms](#) will feature prominently in arguments about the YouTube case. The court battles are also bound to weigh issues of free speech, public safety, and [misinformation](#).

- **A key point will likely be whether YouTube's algorithms recommended the ISIS videos to users versus merely displaying them in feeds.**
- The other two cases could trigger fights between those who espouse conservative versus liberal ideologies in regards to how certain content is treated on social media platforms.
- Although the cases target [social media](#), **there could be ramifications for any website with user-generated content such as comments and reviews.**
- "The key to the future of the internet is being able to strike that balance between preserving that participatory nature and increasing access to good information," **Robyn Caplan**, senior researcher at **Data & Society**, told NBC.

The bigger picture: The SCOTUS cases could potentially usher in a new reality for the internet, but there's no clear indication on how the justices might rule.

- It comes at a time of [heightened](#) scrutiny of the Supreme Court's legitimacy.
- It also coincides with a period of economic suffering for the tech industry.
- Rulings potentially placing more restrictions on how tech companies run their platforms could add to Big Tech's litany of [problems](#).

- The outcome of the rulings could take the internet in different directions. Results could lead to more censorship, less censorship, or platforms where some ideologies are banned while others proliferate.
- We might see tech companies harness AI in an attempt to more effectively balance the interests of free speech with concerns about damaging content.

Confidence Level of US Adults in the US Supreme Court, by Demographic, June 2022

% of respondents in each group

	Female	Male	18-34	34-54	55+	Total
A great deal	10%	13%	9%	13%	12%	11%
Quite a lot	11%	17%	13%	14%	15%	14%
Some	44%	41%	47%	41%	41%	43%
Very little	32%	29%	30%	30%	31%	30%
None	1%	1%	0%	2%	1%	1%
Don't know/refused	1%	0%	-	1%	1%	1%

Note: n=1,015; numbers may not add up to 100% due to rounding

Source: Gallup, "June Wave 1," July 5, 2022

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