

SCOTUS hearings zero in on Big Tech's liability over content on platforms

Article

The news: Two cases coming to the **US Supreme Court** this week could reshape online speech and content moderation as it applies to Big Tech and social media apps, per [CNN](#).

Gonzalez vs. Google: The case seeks to hold **Google's YouTube** liable for a woman's death in 2015 due to a terrorist attack.

- The victim's family is suing YouTube for recommending ISIS videos used to recruit or radicalize potential terrorists.
- They contend that a federal liability shield for tech companies is not a get-out-of-jail-free card for using algorithms to recommend content, per [Politico](#).

Section 230 under scrutiny: Tuesday's hearings focused on [Section 230](#) of the **Communications Decency Act**, which protects Americans' freedom of expression online by granting social platforms immunity from the content posted on their products.

- Section 230 was passed in 1996, years before Google and other tech giants existed, but has been used to shield platforms from liability, per [The Washington Post](#).
- The initial arguments Tuesday focused on SCOTUS considering the scope of liability for internet publishers and platforms.
- Justice **Elena Kagan** said there was "a lot of uncertainty" in adopting the petitioner's argument "just because of the difficulty of drawing lines in this area," per [The Financial Times](#).

Twitter vs. Taamneh: Slated for hearings Wednesday, the equally critical case will decide whether social media companies **can be sued for aiding and abetting specific acts of international terrorism**.

- The plaintiffs are the family of **Nawras Allassaf**, who was killed in an ISIS attack in 2017.
- They are accusing social media companies like **Twitter** of knowingly aiding ISIS in violation of US antiterrorism law by amplifying terrorist content on their platforms.
- Twitter has said that because ISIS happened to use Twitter doesn't mean the social media company knowingly assisted the terrorist group.

Key takeaways: The Supreme Court's decisions on the two cases could serve as the blueprint for continued Big Tech regulation in other countries, especially now that [cooperation among antitrust regulators](#) can accelerate regulatory timelines in various regions.

- SCOTUS will probe the liability of online platform providers for the content they disseminate, **but it might not be the right branch of government to institute sweeping changes**.
- [Criticism from the White House](#) and bipartisan lawmakers could accelerate more decisive SCOTUS rulings and regulation that could alter the tech industry.

What to expect: Big Tech will spare no expense in contesting claims and maintaining Section 230's protective shield over its content and algorithms.

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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