

# Public Comment by Corey Bates CEO Auto Connection Manassas VA Reviews FTC Regulation over Predatory Conduct

Re: Malicious online smear-campaigns that breach the consumer protection statutes enforced by the FTC.

§ 230(c)(1) of the Communications Decency Act - A Flawed Law.

by Corey Bates, CEO Auto Connection Manassas VA Reviews

The US federal law that is named the "Communications Decency Act", specifically 47 U.S.C. Section 230(c)(1), was ratified in 1996. This was long before Google made a decision "to organize the world's information and to make it universally accessible and useful". The law was enacted to secure the then emerging Internet industry against public liability issues, so as not to endanger its growth.

The Internet is most likely now the most powerful industry in history. Operators within the virtual media industry no longer need the extensive immunity given by Section 230C. The law immunizes providers from liability for both innocent and deliberate publication of harmful falsehoods, harassment, tortious interference with potential financial gain, and even extortion.

The FTC's broad mandate incorporates protection for consumers, but equally for companies who are casualties of unjust trade practices. While this is an issue for amendment by the U.S. Congress, the FTC has substantial and compelling power with lawmakers, and should, for that reason, get involved.

The Section 230(c) escape clause is outdated; it must be amended with provisions that put into effect fair duty-of-care requirements on the part of Google, Facebook and other San Jose giants, who ignore the suffering experienced by individuals and businesses alike, who are being destroyed by harmful defamation through these rich and powerful online channels.

The following is an illustration of commonplace misuse of the § 230(c) loophole. Any person can anonymously release unfounded statements against any other person or business, through various well-known "**gripe sites**". Soon afterwards, the harmful falsehoods published on these websites emerge in Google search results for the individual or business named there. The website administrators will then reach out to the injured party and offer to relieve the ongoing defamation, in recompense for large financial fees. Without having the loophole protection of

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Section 230(c), this would be tantamount to criminal extortion, and the site would be guilty of libel. However, due to the federal supremacy of Section 230(c), the sites are permitted to ask these payments from their victims; with immunity from civil or criminal prosecution.

Numerous of businesses smeared on these websites were targeted by deceitful competitors or other parties who, for various reasons, seek to do damage to the defamed parties. Section 230(c) in turn allows the website, including Google, to disregard the desperate pleas of the injured party to redact the damaging search results.

This is only one of many instances of abuses inflicted by dishonorable Internet service providers and site controllers, because of this flawed law. It represents an obvious and present threat to the financial stability of hundreds of American businesses, whose prospective clients' utilize Google search as their primary due diligence research tool.

**The following section needs an urgent amendment:**

***230(c)(1) "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."***

It ought to be modified to the following effect:

***"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 [[, as long as that provider demonstrates a reasonable duty of care to third parties who are being defamed, harassed, or in another way harmed, by web content under the provider's control and once the injured party has alerted the provider of the appearance of the defaming material]]".***

This duty of care should extend to Google, just as much as it ought to for the extortion sites. Google literally cites 230(c)(1) as a defense for not removing defamatory search results from its influential search index, when damaged parties apply for removal. Google uses this as a carte blanche get-out-of-jail-free card, it is reprehensible.

I, Corey Bates, CEO of Auto Connection Manassas VA Reviews, request that the FTC to use its considerable authority in persuading lawmakers in the United States Congress, to bring about changes to this law.

Respectfully submitted by,

*Corey Bates*

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