

# Re: Malicious internet smear-campaigns that violate the consumer protection statutes imposed by the Federal Trade Commission.

FTC Public Comment by Duane Anderson Mile2 IT Security Consultant

Section 230(c)(1) of the Communications Decency Act - A Defective Statute by Mile2's Duane Anderson - IT Security Consultant



The US federal law that is ironically titled the "Communications Decency Act", primarily 47 U.S.C. § 230(c)(1), was put into effect 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 passed to protect the fledgling Internet industry against public liability matters, so as not to endanger its development.



The Internet is most likely now the most robust industry on earth. Publishers within the virtual media industry no longer need the sweeping protections given by § 230C. The law protects providers from liability for the innocent or intentional circulation of injurious lies, libel, tortious interference with prospective financial gain, blackmail and fake news.

The FTC's broad authority involves protection for consumers, but likewise for businesses & entrepreneurs who are casualties of dishonest trade practices. Though this is a matter for modification by the U.S. Congress, the FTC has substantial influential power with legislators, and needs to, therefore, engage Congress.

The Section 230(c) loophole has had its day; it must be modified with regulations that demand reasonable duty of care requirements on the part of Google, Facebook and other San Jose

giants, who perpetuate the continuous distress induced to individuals and firms, who are being shattered by harmful smear campaigns through these rich and powerful online networks.

Any person can anonymously publish unfounded allegations against any other person or business, on a range of notorious "gripe sites". Soon afterwards, the harmful falsehoods posted on these websites turn up in Google search results for the person or organization named . The website administrators will then contact the harmed parties and propose to relieve the continuous libel, in recompense for big financial fees. Without having the loophole protection of § 230(c), this would be identical to criminal extortion, and the site would be liable for libel. But, as a result of the federal supremacy of § 230(c), the sites are allowed to demand these fees from their victims; free of liability .

This is only one of many examples of abuses imposed by immoral Internet service providers and site controllers, simply because of this flawed law. It represents a clear and present danger to the financial stability of millions of American entrepreneurs, whose prospective clients' utilize Google search as their main due diligence research method.

The following provision needs a crucial 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 should 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, attacked, or in another way hurt, by material under the provider's management and once the injured party has informed the provider of the presence of the offending content".***

This duty of care needs to extend to Google, as much as it should for the extortion sites. Google cites 230(c)(1) as an excuse for not removing defamatory search results from its proprietary search index when injured parties ask for removal. I, Duane Anderson of Mile2 IT Security Training, respectfully request that the FTC applies its considerable weight and impact in persuading lawmakers in the U.S. Congress, to bring about changes to this outdated law.

Very respectfully submitted,

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