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Contact 941-876-8112
press@americasfuture.com

America's Future Files SCOTUS Amicus Brief in Big Tech Censorship Case

Florida – December 9, 2022 – America's Future, Inc., a national leader in the fight to preserve individual rights, promote American values and traditions, and protect the nation's Constitutional Republic, announced that it submitted an [Amicus brief](#) to the Supreme Court of the United States (SCOTUS) in [Gonzalez v Google, Dkt. No. 21-1333 \(2022\)](#) on December 7, 2022, with two other nonprofits. The case may provide specific circumstances or conditions that, if present, will expose big tech internet providers, such as Google, to civil liability for injuries suffered by an aggrieved party that is caused by big tech's manipulation of information optimization decisions.

The brief offers the SCOTUS real-world context, a fresh perspective, along with insight and information bearing on the legal and factual issues relative to [Section 230\(c\)\(1\) and \(c\)\(2\) of the 1996 Communications Decency Act \(CDA\)](#), a statute that provides certain protection from liability to internet companies who provide a user-interactive service. It comes before the SCOTUS following a Ninth Circuit Court of Appeals' decision to uphold the trial court's dismissal. The Ninth Circuit reasoned, "'recommendations and notifications [i.e., Google's algorithmic decisions, are] meant to facilitate the communication and content of others,' and 'not content in and of themselves.'"

"This is one of the most important cases to be heard by the SCOTUS as it impacts millions of Americans in the modern era of online information-sharing," said Mary O'Neill, Executive Director of America's Future. "We pray that for the sake of saving a civil, decent society and to further the survival of our nation, the SCOTUS heeds our insight and holds to account those who are willing to destroy America."

The case centers around algorithmic censorship, suppression, and/or promotion of certain information and user content by social media platforms and "big tech" giants like YouTube, Twitter, Facebook, Google, Yahoo!, and Bing and whether Section 230 is broad or limited in scope. Likely, the use and misuse of discretionary algorithmic coding by big tech companies to skew search results, potentially injuring users, will likely play a big role in the explanation of the eventual ruling in this case.

With recent revelations from internal documents and information released to the public by Twitter owner Elon Musk shedding light on big government, big tech, and big media joining together as if co-conspirators in one big lawless enterprise, legal scholars contemplate whether this case will shed light on how SCOTUS might handle future civil or criminal cases against the US government and/or corrupt government officials for criminal conduct, First Amendment violations or some case-mix of the two. Section 230 should not be strong enough to overcome Constitutional scrutiny if the use by big tech amounts to proxy censorship or “censorship by surrogate” in favor of the government.

The Amicus brief explains in plain terms that if decisions are being made behind the scenes by government officials determining who may participate in social media and what positions they may take, then Section 230 serves the government’s interest to avoid discovery into such secretive and unconstitutional forms of control of the marketplace of ideas.

O’Neill added, “These days, we are learning, in real-time, the dangers of living in a cyber-based big tech-big government universe where abuse of authority combined with a simple keystroke can create false narratives forming depraved prosecutions and political persecutions. This perfect storm violates our God-given liberties at every turn.”

The brief discusses, in detail, various examples of government officials applying immense pressure on big tech to suppress and censor undesirable political speech or face severe regulatory challenges including casting away Section 230 altogether. Examples raised include direct control over a social media website and the handling of information concerning COVID-19, election challenges, climate change, etc. The Amicus brief suggests to the Court, as follows, “This thorny problem of government control over the Internet could be substantially remedied if courts carefully construe Section 230 so that it only immunizes decisions made by providers that meet the statutory preconditions.”

To read more details about this filing, along with several other briefs filed by America’s Future, please visit our Law & Policy page on our website at www.AmericasFuture.net.

ABOUT AMERICA’S FUTURE, INC.

Founded in 1946, America’s Future, Inc. is a 501(c)(3) nonprofit organization committed to protecting the individual rights of every American and our Judeo-Christian values that make America exceptional. We do our work through educational and informational initiatives, strategic partnerships, communications, and networking opportunities that empower Americans to get involved in the fight to preserve the American way of life, now and for generations to come. For information, visit www.AmericasFuture.net.