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Federal Trade Commission  
600 Pennsylvania Avenue, NW  
Washington, DC 20580

**Subject: Request for Information Regarding Technology Platform Censorship**

To the Federal Trade Commission:

The Consumer Technology Association (CTA) submits this response to the Federal Trade Commission's ("FTC" or "Commission") Request for Information ("RFI") on "Technology Platform Censorship."

CTA is North America's largest technology trade association, representing over 1200 American companies ranging from global leaders to the startups and small businesses that make up 80% of our membership. We also own and produce CES®, which convened tech leaders and over 4500 exhibiting companies in Las Vegas in January. Our members are the world's leading innovators – from startups to global brands – helping support more than 18 million American jobs. CTA members operate in competitive marketplaces to produce innovative products that fuel American economic growth, consumer empowerment, and global leadership.

The Commission's inquiry into online speech and content moderation touches on foundational issues for the future of the internet, including the implications for Section 230 of the Communications Decency Act, the First Amendment rights of online platforms, the safety of online users, and the broader trajectory of U.S. technological leadership and online innovation. These are not abstract policy questions—they go to the heart of how America builds, governs, and leads in the digital age. We are deeply concerned that the framing and premise of this RFI risks undermining the legal, constitutional, and operational frameworks that have made the United States the undisputed global leader in internet innovation and online speech.

**The Scale and Role of Content Moderation**

Today's platforms operate at massive scale: billions of users, trillions of interactions, and millions of pieces of content created, shared, and engaged with each day. Content moderation is not an ancillary task—it is core infrastructure. These systems process

millions of decisions daily to keep platforms usable, informative, and safe.

That includes removing the most abhorrent and unlawful content—child sexual abuse material (CSAM), terrorist propaganda, depictions of extreme violence—as well as defending users from harassment, fraud, cyberbullying, and spam. These efforts are particularly crucial for protecting young users and ensuring that curated spaces provide safer, age-appropriate environments.

Content moderation also plays a central role in protecting intellectual property—removing infringing material helps ensure that creators, developers, and rights-holders can monetize their work and innovate confidently.

### **Content Moderation as a Market Function That Benefits Users**

Content moderation is not censorship—it is product differentiation. Platforms compete on the quality of the experience they offer users and modify their policies to be responsive to their users, which includes advertisers. This includes how content is curated, recommended, and governed.

America has a vibrant and successful market-driven system for content moderation, enabled by Section 230, which allows platforms to set their own rules and gives users options when they decide where to engage. That is why conversations on Bluesky feel different from Reddit, which feel different from Truth Social—each platform competes on moderation, governance, and community standards. This diversity, which serves users regardless of political affiliation, enables a healthy, decentralized internet—where users can choose their own online environment.

Even small platforms must moderate to survive. Whether you are a niche forum or a fast-growing new entrant, you must defend your users from bad actors. Section 230 ensures that startups can do so without being litigated out of existence. Weaken Section 230 and the Congressional policy choices that Section 230 reflects, and you shut down the on-ramps for innovation.

### **Moderation Strengthens Competition and Speech**

Contrary to the RFI's premise, content moderation enables—not stifles—free expression and speech diversity. The rise of independent influencers, podcasters, and creators is proof. Voices across the ideological spectrum have flourished: progressive creators have built massive followings on platforms like YouTube and TikTok, while conservative voices have also thrived. In 2024, President Trump's campaign was widely dubbed the "influencer election," with YouTube-native creators like the Nelk Boys, Adin Ross, Theo Von, and others playing a central role in reaching millions of voters.

The success of these voices—left, right, and everything in between—is inseparable from the platforms they use. Without moderation, these platforms would be overrun by bots, fraud, and abuse, making them unusable. The result? Less speech, not more.

It is this diversity of approaches to moderation that has created a vibrant marketplace of ideas, fueling the success of both large and small companies, while cementing the U.S. as the global leader in internet technology and online speech. If the Commission were to undermine this system by deterring content moderation or prescriptively second-guessing platforms' content moderation decisions, it would risk consolidating online discourse, leading to less competition, and more centralized control—undercutting both consumer choice and democratic vitality.

## **The Constitutional and Legal Foundation**

Platform moderation is both an editorial function and an expressive act—fundamentally protected by the First Amendment. Using law enforcement or the threat of law enforcement to compel private platforms to adopt the government's standards to make these decisions would violate companies' First Amendment rights. It is fundamentally not the government's role to dictate or coerce private speech decisions. Efforts to do so risk triggering serious constitutional violations, particularly in the form of compelled speech and viewpoint discrimination.

More, attempting to classify content moderation as an “unfair or deceptive act” under FTC jurisdiction stretches the Commission's authority past its legal limits.

## **Recommendations**

CTA urges the Commission to embrace the following recommendations:

### **1. Reaffirm Section 230:**

A free, open, and competitive internet depends on preserving the liability protections that allow platforms to moderate responsibly and innovate boldly. Further, this immunity allows U.S. companies to focus on innovation and growth without the fear of being held liable for huge volumes of user-generated content, allowing U.S. companies to grow into global leaders.

### **2. Respect the First Amendment:**

Private platforms have the right to curate the user experience because this kind of curation represents the platforms' own protected expressive activity. Any attempt by the FTC to interfere with this function would raise immediate constitutional red flags.

### **3. Support Innovation:**

Interfering with private platforms' decision-making could stifle American technological innovation and undercut a vibrant digital economy, through which consumers and businesses of all kinds benefit. Further, regulation should not entrench incumbents by making moderation legally perilous for startups.

### **4. Ground the Process in Evidence:**

The RFI relies heavily on anecdotal and unverifiable claims. Rulemaking based on such foundations risks chilling innovation while providing no clear benefit to consumers.

## **Conclusion**

Today's content moderation system isn't just working—it's thriving. It empowers individuals to speak, communities to grow, startups to scale, and ideas to spread. CTA believes that protecting consumers online is critical and that goal can be accomplished while protecting free speech and ensuring U.S. tech companies can continue to innovate without fear of censorship. By upholding Section 230 and reaffirming First Amendment principles, we can keep the U.S. at the forefront of global innovation—fueling the creation of next-generation platforms that are safer, more dynamic, and more open than ever before.

We urge the Commission to consider these points carefully and ensure that any further actions taken do not unduly burden the tech industry or infringe upon fundamental constitutional rights.

Sincerely,

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