No. 21-1333

In the Supreme Court of the United States

REYNOLDO GONZALES, *ET AL.*, PETITIONERS, *v*. GOOGLE LLC, RESPONDENT.

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

BRIEF FOR THE CENTER FOR GROWTH AND OPPORTUNITY, AMERICANS FOR PROSPERITY FOUNDATION, BEACON CENTER OF TENNESSEE, FREEDOM FOUNDATION OF MINNESOTA, ILLINOIS POLICY, INDEPENDENCE INSTITUTE, JAMES MADISON INSTITUTE, LIBERTAS INSTITUTE, MOUNTAIN STATES POLICY CENTER, OKLAHOMA COUNCIL OF PUBLIC AFFAIRS, PELICAN INSTITUTE FOR PUBLIC POLICY, AND RIO GRANDE FOUNDATION AS AMICI CURIAE IN SUPPORT OF RESPONDENT

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QUESTION PRESENTED

Does 47 U.S.C. § 230(c)(l) immunize interactive computer services when they make targeted recommendations of information provided by another information content provider?

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	nis case is readily resolved under the plain xt of Section 230	6
А.	Section 230 distinguishes between "enabling tools" that "choose," "organize," and "display" or "forward" "content"—which describes YouTube's automated recommendation system— and "content" itself	6
B.	Holding that YouTube's automated recommendation system is protected as an "enabling tool" fits with the law's express purpose statements.	. 12
	1. This Court relies on express statutory purpose statements to clarify the proper interpretation of operative text	. 12
	2. Section 230's express purpose statements favor distinguishing YouTube's automated recommendation system from content.	. 14
re	eading Section 230 as its plain text quires will best foster speech and expand e marketplace of ideas	

А.	Under the law's current interpretation, the marketplace of ideas has grown and heterodox speech has flourished	1
	1. Since Section 230 was enacted, internet platforms have added billions of users, each a unique content creator	1
	2. Many of the leading voices on the internet are conservative or heterodox	4
В.	Assuming that Section 230 must be constricted to stop censorship by "Big Tech" ignores that no one has ever ruled Big Tech for long	7
C.	By exposing upstarts to liability that only established firms can bear, constricting Section 230 would chill heterodox speech and shrink the marketplace of ideas	9
CONCI	LUSION	

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