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December 20, 2021

Mr. Satya Nadella
Chief Executive Officer
Microsoft Corporation
One Microsoft Way
Redmond, Washington 98052

Mr. Brad Smith
President
Microsoft Corporation
One Microsoft Way
Redmond, Washington 98052

Dear Mr. Nadella and Mr. Smith,

On December 9, the *New York Times* reported about a disturbing website linked to dozens, and potentially hundreds, of suicides.¹ The website draws 6 million page views a month—four times more views than the National Suicide Prevention Lifeline—and contains devastating content that explicitly encourages and assists people who are suffering to take their own lives. When asked by public officials to steer visitors away from the site, Microsoft Bing refused and deflected responsibility. I write to urge Bing to take responsibility and act pursuant to the Good Samaritan provisions of Section 230 to remove the website from search results.

We are in the midst of a mental health crisis, particularly among young people. According to the Centers for Disease Control and Prevention, the suicide rate among 15-to-24-year-olds has increased 45% in the past decade. My office has heard from far too many parents and children who are struggling. As the *Times* piece notes, the website that was the subject of its reporting was primarily visited by young persons who had experienced mental illness. By providing instructions and social pressure, the site is helping to fuel this crisis and is directly culpable for the deaths of many young people.

Bing has been warned and begged to intervene. But when Australian officials asked Bing to remove the website from search results, Bing refused, saying it would not act absent a legal requirement to do so.

Today, many people know that Section 230 contains a liability shield that prevents tech platforms from being treated as publishers or speakers of content posted by users of their websites. But something that is too often lost in conversations about Section 230 is a central purpose of that provision: to encourage websites to regulate harmful content. Section 230 was

¹ Megan Twohey and Gabriel J.X. Dance, “Where the Despairing Log On, and Learn Ways to Die,” *New York Times* (Dec. 9, 2021), <https://www.nytimes.com/interactive/2021/12/09/us/where-the-despairing-log-on.html>.

included in the Communications Decency Act, which was enacted to make the internet safer for children. Section 230's liability shield is contained in the "Good Samaritan" provision, entitled "Protection for 'Good Samaritan' Blocking and Screening of Offensive Material." Congress made clear its intent for companies like Bing to act as Good Samaritan managers of their platforms, not to shield it from its obligations to protect vulnerable communities.

The website addressed in the *New York Times*' reporting is a straightforward example of the kinds of offensive material that Section 230 entrusts Bing to screen. Bing has not only the ability but also the legal authority to do just that by steering people who are struggling away from this dangerous website. Bing's hands are not tied, and it has a responsibility to act.

Sincerely,



Richard Blumenthal
United States Senate