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Lawsuit Blames Twitter for ISIS Terrorist Attack

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By YOREE KOH

Should [Twitter](#) TWTR +1.68% be responsible for terrorist attacks if the propaganda and recruiting efforts that helped the extremist groups thrive allegedly took place on its platform? That's what a new lawsuit contends.

The wife of a U.S. man who was killed in Jordan in a November terrorist attack is placing the blame on the social media company for allowing Islamic State, or ISIS, which claimed responsibility for the attack, to flourish on the service.

The lawsuit, filed Wednesday in the U.S. District Court for the Northern District of California, claims that "for years, Twitter has knowingly permitted the terrorist group ISIS to use its social network as a tool for spreading extremist propaganda, raising funds and attracting new recruits. This material support has been instrumental to the rise of ISIS and has enabled it to carry out numerous terrorist attacks."

Those attacks, according to the suit, include a Nov. 9 incident in Jordan during which a gunman entered an international police training center where he shot and killed five people, including two Americans. One of the victims, a 46-year-old contractor named Lloyd Carl Fields, Jr., was the plaintiff's husband. The lawsuit seeks unspecified damages.



Twitter's logo is seen at the company's headquarters in San Francisco. — Agence France-Presse/Getty Images

Islamic State's social-media savvy is now well-documented. It has used Twitter as well as YouTube to boast about its savage attacks, recruit new members and raise money. The extremist group's tweet of a video showing the gruesome beheading of American photojournalist James Foley last year gained widespread attention, and thrust Twitter into the **middle of a debate** about Internet platform's responsibility to police terrorist activity.

Following the Nov. 9 attack, the lawsuit says ISIS claimed responsibility for the attack and issued a statement saying: "Do not provoke the Muslims more than this, especially recruited and supporters of the Islamic State. The more your aggression against the Muslims, the more our determination and revenge...time will turn thousands of supporters of the caliphate on Twitter and others to wolves."

The suit details the extremist group's activity on Twitter, claiming that as of December 2014, there were **roughly 70,000 ISIS-related Twitter accounts**, of which at least 79 were "official" and tweeted 90 times a minute. The lawsuit contends that Twitter has done little to stop ISIS from using its service.

"While we believe the lawsuit is without merit, we are deeply saddened to hear of this family's terrible loss," a Twitter spokesman said in a prepared statement. "Like people around the world, we are horrified by the atrocities perpetrated by extremist groups and their ripple effects on the Internet. Violent threats and the promotion of terrorism deserve no place on Twitter and, like other social networks, our rules make that clear."

A lawyer for plaintiff Tamra Fields didn't respond to requests for comment.

The lawsuit's attempt to assign blame to Twitter — which hosts but is not responsible for creating the content — is a tough argument, legal experts say. Twitter and other intermediary platforms like YouTube and **Facebook** **[FB +2.98%]** are protected by Section 230 of the Communications Decency Act, meaning that online services hosting or republishing speech are largely exempt from laws that might otherwise make them responsible for people's actions on their platform, **according to the Electronic Frontier**



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Twitter doesn't actively police its site for violating content — other than for images of child-sexual exploitation. The company only takes steps like suspending an offending account after a user reports a violation. The Twitter spokesman on Thursday said the company has teams around the world that actively investigate reports of rule violations, partner with organizations countering extremist content online, and work with law enforcement when appropriate.

Several years ago, an Israeli law group started a petition demanding the U.S. Attorney's Office force Twitter to boot terrorist groups like Hamas off the service, arguing that the company provided "material support" to the group by providing "communications equipment." While it was just a threat and a long shot one at that, Gabe Rottman, a staff attorney at the American Civil Liberties Union, in 2012 noted how some of the group's claims could have some legs.

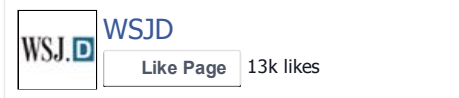
"'Communications equipment' is not defined in the statute (nor in federal law generally, as far as I can tell), and it's not insane to argue that it encompasses remote infrastructure that permits an individual or group to micro-blog on the internet (though it's also arguably true that they're not providing physical "equipment" per se, merely data and storage)," he wrote.

However, the Supreme Court's decision in the 2010 case Holder v. Humanitarian Law Project, allows for counterarguments to be made. In that case, the justices upheld the federal law that makes it a crime to provide "material support" to foreign terrorist organizations, and that the law's ban on providing intangible support like "service" and "expert advice or assistance" doesn't violate the First Amendment. But, Mr. Rottman explained in his 2012 post, "the definition of 'service' in the statute requires something done in the command of another." In effect, Twitter would have to actively do something to assist ISIS, like rent a data center for them at their request.

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