

This comment provides notice of deceptive content moderation practices by the Nextdoor content provider for purposes of misleading consumers with unlawful censorship in violation of 47 US Code 230 (c)(A) and (B).

Nextdoor speciously claims to "encourage debate and serve[s] as an open, positive platform where neighbors can discuss topics of local interest." However, anecdotal evidence as documented below attests otherwise. As below, even under a cursory inquiry Nextdoor content moderation practices are proven to constitute deceptive pretextual actions resulting in unlawful censorship under 47 US Code 230 (c)(A) and (B) rather than good samaritan moderation of prohibited content. Indeed because Nextdoor staff a) could not and would not respond to reasonable inquiries regarding its content moderation practices; b) failed to enforce stated terms and conditions to protect against unlawful censorship; and c) applied unsound practices in the moderation of lawful content provided in accordance with its terms and conditions; and because Nextdoor terms and conditions are unsound and allow for moderation practices which promote arbitrary censorship, then Nextdoor's practices must be reasonably considered bad-faith, unlawful censorship intended to suppress certain viewpoints in violation of 47 US Code 230 (c)(A) and (B) and the May 28, 2020 Executive Order to Prevent Online Censorship.

----- Forwarded Message -----

**Subject:** Re: Case # 05442520: account disabled

**Date:** Wed, 16 Dec 2020 19:01:32 -0500

**From:** rick <rick@rickmurphy.org>

**To:** support@nextdoor.com <support@nextdoor.com>

Jacob,

I am planning my schedule to provide comments to the Federal Communications Commission.

When should I expect your response to my questions below?

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rick

On 12/15/20 2:33 PM, rick wrote:

Jacob,

First, thank you for reviewing the determination to restrict my account.

For two of the three cases you have narrowed the purported violations to what is generally perceived to be either an "insult" or "attack."

Setting aside for the moment the merits of whether an insult or attack occurred, could you please provide the location on the Nextdoor website where the terms "insult" and "attack" are defined? Further, could you please provide the authoritative source for what you claim to be "generally perceived" and explain how "generally perceived" constitutes a sound approach to unbiased moderation?

In the third of the three cases you claim a statement that a public official's inability to keep his weight in a healthy range is "derogatory" and "insulting."

Could you please provide the location on the Nextdoor website where the term "derogatory" is defined? Also, could you please direct me to where in the "Be respectful" community guideline, Nextdoor uses the term derogatory to restrict behavior?

On May 28, 2020 President Donald J. Trump issued the Executive Order on Preventing Online Censorship [1]. The executive order specifies the policy of the United States is 1) to promote free and open debate on the internet; and 2) providers lose the limited liability shield of 47 USC 230(c)(2)(A) when they "engage in deceptive or pre-textual actions (often contrary to their stated terms of service) to stifle viewpoints with which they disagree."

Again, setting aside the merits, you claim that Nextdoor community guidelines protect public officials from derogatory statements and insults. However, in *New York Times v Sullivan*, 376 US 254 the legal standard for defamation against public officials requires that the statement is not only proven to be false, but the defamer is proven to have shown reckless disregard for that falsity.

I believe your decision to restrict my account fails to satisfy the requirements of the Executive Order on Preventing Online Censorship and is unlawful under the standard set forth in *New York Times v Sullivan*, 376 US 254. Please provide your rebuttal explaining how Nextdoor has not lost its limited liability shield so the Federal Communications Commission can review your answer when I report this incident under their open comment for the President's executive order.

Finally, Nextdoor prescribes content moderation practices [2] that were not used. Could you please explain why no "leads" contacted me regarding content moderation? Nextdoor prescribes [3] a series of progressive disciplinary measures including warnings and read only status that were not used. Could you please explain why no progressive measures were used?

Thanks again, Jacob. I look forward to your response!

1. <https://www.whitehouse.gov/presidential-actions/executive-order-preventing-online-censorship/>

2. [https://help.nextdoor.com/s/article/About-moderation?language=en\\_US](https://help.nextdoor.com/s/article/About-moderation?language=en_US)

3. [https://help.nextdoor.com/s/article/How-to-report-a-member?language=en\\_US](https://help.nextdoor.com/s/article/How-to-report-a-member?language=en_US)

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rick

On 12/10/20 7:36 PM, [support@nextdoor.com](mailto:support@nextdoor.com) wrote:

Hi Richard,

My name is Jacob and I'm a supervisor on Nextdoor's Support team. Your case was escalated to me for further review.

I've taken time to look over your case and have determined that your account was correctly restricted for violating the [Community Guidelines](#) on [being respectful to your neighbors](#).

For clarity, I'll break down some of the pieces of your content that are most clearly in violation:

*You should consider contacting a mental health professional and reading your post above to that professional:* Telling a neighbor, unsolicited, that you believe they should seek out mental health services is generally perceived to be an insult or attack, and isn't appropriate for Nextdoor.

*I see one of the Alfie inspired conspiracy theorists has come out of the shadows. Must be the chlorpyrifos on the veggies:* Referring to another neighbor as a conspiracy theorist is generally perceived to be a personal attack or insult.

*He can't even keep his own body weight in a healthy range:* Making derogatory remarks about another person's weight is considered to be insulting, and isn't appropriate for Nextdoor. This includes remarks made about individuals that may not be on Nextdoor, such as public figures.

Please bear in mind that you may, of course, think what you like. However, on Nextdoor, conversations must remain civil. For more information on how to handle disagreements on Nextdoor, you're encouraged to check out the below article:

[Tips for respectful conversations](#)

Please let me know if you have any questions.

Best,  
Jacob  
Nextdoor

### How did I do?

Want to rate the product? You can do this once you have rated the agent.

ref:\_00D361GqdD.\_5001R12MQik:ref

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rick

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rick