

Judge puts Mississippi AG's investigation of Google on hold (Update)

March 2 2015, by Jeff Amy

The Mississippi attorney general's attempt to investigate Google is on hold for at least four more months.

U.S. District Judge Henry T. Wingate on Monday granted Google's request for a preliminary injunction, preventing Attorney General Jim Hood from going through with a subpoena meant to examine whether Google is facilitating others' illegal activities on its sites. The injunction will also bar Hood from filing civil or criminal charges for now.

The Internet giant, based in Mountain View, California, argued that Hood's investigation is blocked by a 1996 federal law that says Internet services are immune from lawsuits over what third parties say using the services.

"At this point, Google has the better part of the argument on the reach of the Communications Decency Act of 1996," Wingate said in a ruling read from the bench. He promised a longer written ruling within 10 days.

Wingate, in discussions with lawyers Monday in court, laid out a schedule for each side to seek documents and depose witnesses over 90 days, with arguments on a final ruling in the case to follow this summer.

"The fact that the court has issued an injunction does not mean the court has reached a final decision in the case—just that the court wishes to maintain the status quo," Wingate said.

The showdown between Google and Hood had been building for several years, but it escalated last fall when Hood sent a 79-page subpoena to Google. That document demanded the company produce information on subjects including whether Google is helping criminals by allowing its search engine to lead to pirated music, by having its autocomplete function suggest illegal activities and by sharing YouTube ad revenue with the makers of videos promoting illegal drug sales.

Hood pledged to appeal the injunction to the 5th U.S. Circuit Court of Appeals, maintaining his position that any dispute over the subpoena belongs in Mississippi state court.

"If attorneys general are unable to enforce state drug and consumer laws simply because a company uses the Internet, then this should be a wake-up call to all Americans that our children can simply type in 'buy drugs' and Google will guide them through its auto-complete feature," Hood said in a statement.

Google, though, has argued Hood is infringing on its free speech rights. The Internet giant and its supporters say Hood is part of a covert campaign by movie studios to use legal action to achieve enhanced piracy protection that Congress has rejected. The company says a letter that Hood sent Google that was largely drafted by the Motion Picture Association of America, and notes that former Mississippi Attorney General Mike Moore was hired by the Digital Citizens Alliance, a nonprofit group funded by movie studios and other companies.

"We're pleased with the court's ruling, which recognizes that the MPAA's long-running campaign to censor the web...—is contrary to federal law," Google General Counsel Kent Walker said in a statement.

Hood's office has said it's only working with people and companies harmed by problems with Google services.

"Ultimately what lies in the balance of a final court decision is whether it will be more difficult for state law enforcement officials to protect victims of online crime," said Adam Benson, deputy executive director of the Digital Citizens Alliance.

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