

Judge dismisses Republican lawsuit against Google over Gmail's spam filtering

The suit complained Google intentionally sent RNC political emails to Gmail users' spam folders, and the RNC sought restitution for "donations it allegedly lost as a result" of those lost emails. The RNC cited a North Carolina State University study that found Gmail was more likely to mark emails from Republican campaigns as spam. One of the study's authors spoke to the *Post* in May last year, saying its findings had been misrepresented. Muhammad Shahzad noted that it only tested default email settings – in tests on accounts where users indicated their preferences by marking some messages as spam, "the biases in Gmail almost disappeared."

While US District Court Judge Daniel Calabretta described the RNC's suit as a "close case," he dismissed the Committee's claims, writing that it had "failed to plausibly allege its claims" that Google's filtering was done in bad faith. Google claimed that many of the filtered emails were likely picked up by its spam algorithms because of user complaints and pointed to problems with the RNC's domain authentication and frequent emails as other culprits.

The judge also said Republican emails could be considered "objectionable" content based on the definition in the CAN-SPAM Act and said that Google designating them spam is protected by section 230 of the Communications Decency Act. The decision left Republicans with partial "leave to amend to establish a lack of good faith" on Google's part.

<https://www.theverge.com/2023/8/26/23845050/judge-dismisses-re>

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