



Texas Strikes Blow Against Big Tech Tyranny in Major Legal Victory for Free Speech

Description

USA: Big Tech's days of censoring users' content based on their political views may be numbered due to a recent [court victory](#) in the 5th Circuit Court of Appeals.

"A Texas law that bans social media companies from censoring users' viewpoints is constitutionally allowed, the 5th Circuit Court of Appeals ruled on Friday, in a blow to Facebook, Twitter and Google," Politico reported.

"The ruling is a win for Texas Gov. Greg Abbott and Texas Attorney General Ken Paxton in their efforts to combat what they call censorship of conservative viewpoints by social media companies," the report added.

Texas's law will not immediately go into effect, despite the court ruling. The appeals court must issue written instructions to the district court that had ruled at the initial stage of the case.

"The law, H.B. 20, had previously been blocked from taking effect by a May 5-4 Supreme Court ruling, which had granted an emergency request by tech trade groups NetChoice and the Computer and Communications Industry Association, which represent Facebook, Twitter and Google," Politico notes. "The trade groups have alleged the Texas law violates the First Amendment rights of the companies they represent."

"Today we reject the idea that corporations have a freewheeling First Amendment right to censor what people say," the court held. "Two sections of HB 20 are relevant to this suit. First is Section 7, which addresses viewpoint-based censorship of users' posts. Section 7 provides":

A social media platform may not censor a user, a user's expression, or a user's ability to receive the expression of another person based on:

- (1) the viewpoint of the user or another person;
- (2) the viewpoint represented in the user's expression or another person's expression; or

(3) a user's geographic location in this state or any part of this state.

However, there is a narrow remedial scheme for damages against a user if censorship is proven in a court of law. A user "may sue for declaratory and injunctive relief and may recover costs and attorney's fees if successful." Damages are not currently available.

Texas Attorney General Ken Paxton celebrated the court victory on Friday.

BREAKING: I just secured a MASSIVE VICTORY for the Constitution & Free Speech in fed court: [#BigTech](#) CANNOT censor the political voices of ANY Texan! The 5th Circuit "reject[s] the idea that corporations have a freewheeling First Amendment right to censor what people say. [pic.twitter.com/UijlzYcv7r](https://twitter.com/UijlzYcv7r)

— Attorney General Ken Paxton (@KenPaxtonTX) [September 16, 2022](#)

"I just secured a MASSIVE VICTORY for the Constitution & Free Speech in fed court: [#BigTech](#) CANNOT censor the political voices of ANY Texan! The 5th Circuit "reject[s] the idea that corporations have a freewheeling First Amendment right to censor what people say.

In March, Brendan Carr, the FCC commissioner, provided interesting context by referring to a Supreme Court decision that held it is the government's duty to ensure Americans have access to a "multiplicity of information sources."

In 1996, the Supreme Court wrote that "ensuring public access to a multiplicity of information sources" is a "governmental purpose of the highest order" and, given the bottleneck control cable systems then held, required cable to carry speech they otherwise would have rejected. <https://t.co/4zDnPFmJk>

— Brendan Carr (@BrendanCarrFCC) [March 27, 2022](#)

"In 1996, the Supreme Court wrote that 'ensuring public access to a multiplicity of information sources' is a 'governmental purpose of the highest order' and, given the bottleneck control cable systems then held, required cable to carry speech they otherwise would have rejected," Carr remarked.

The FCC commissioner was referring to a point made by tech billionaire Elon Musk in March that Twitter has been serving as the 'de facto public town square.'

Given that Twitter serves as the de facto public town square, failing to adhere to free speech principles fundamentally undermines democracy.

What should be done? <https://t.co/aPS9ycji37>

— Elon Musk (@elonmusk) [March 26, 2022](#)

"Given that Twitter serves as the de facto public town square, failing to adhere to free speech principles fundamentally undermines democracy," Musk argued. "What should be done?"

On Tuesday, Twitter shareholders voted to approve Elon Musk's \$44 billion bid to take over the social media platform. However, Musk and Twitter have been locked in a legal battle over closing the deal due to conflicting estimates over the number of spam and bot accounts on the social media platform. A court trial to resolve the dispute is expected to start in mid-October.

A lawsuit seeking to uncover the Biden administration's collusion with Big Tech firms to regulate the public discussion of matters ranging from Covid-19, elections, and the Russia-Ukraine war found that dozens of government officials had participated in a censorship campaign.

"Over 50 officials in President Joe Biden's administration across a dozen agencies have been involved with efforts to pressure Big Tech companies to crack down on alleged misinformation, according to documents released on Aug. 31," the Epoch Times reported.

"Senior officials in the U.S. government, including White House lawyer Dana Remus, deputy assistant to the president Rob Flaherty, and onetime White House senior COVID-19 adviser Andy Slavitt, have been in touch with one or more major social media companies to try to get the companies to tighten rules on allegedly false and misleading information on COVID-19, and take action against users who violate the rules, the documents show," the report added.

If the lawsuit is successful, the American people can look forward to getting more transparency from Big Tech companies that are supposed to work for them and not unconstitutionally police their conversations on behalf of the United States government. And if the Texas lawsuit ultimately prevails, it would be possible for U.S. citizens to sue digital and social platforms for censoring them merely over the content of their First Amendment protected speech.

by Kyle Becker

Category

1. Freedom-Free speech-Resistance & H-rights
2. Main
3. NWO-Deep State-Dictatorship-Tyranny
4. Politics-Geopolitics-Gov.-Events

Date Created

09/19/2022