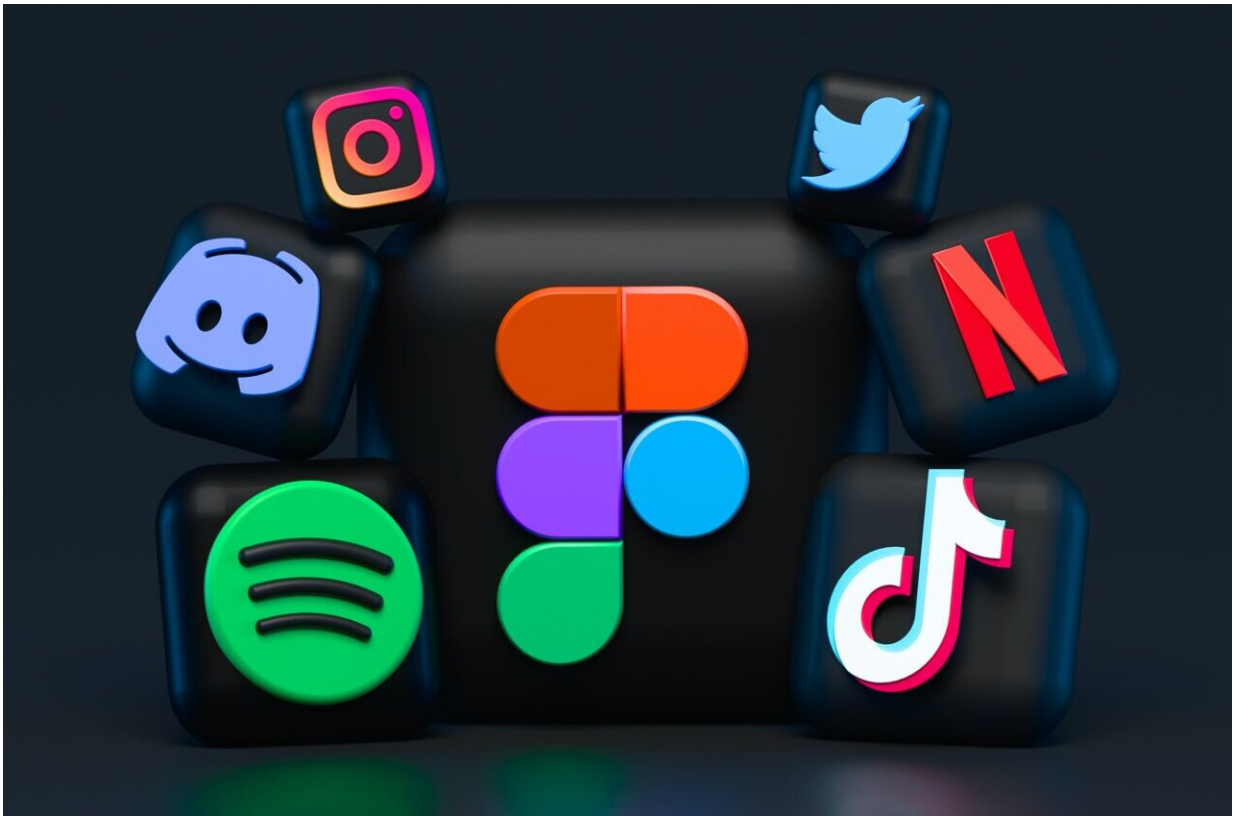


Tech groups sue in attempt to void Texas social media law

September 23 2021, by Chuck Lindell



Credit: Unsplash/CC0 Public Domain

Two technology industry groups filed suit Wednesday in an effort to strike down a new Texas law that will let social media users sue if they or their opinions are blocked from view or removed.

Texas House Bill 20—inspired by complaints that conservatives are frequently censored online—also will give the state attorney general the power to sue [social media](#) companies on behalf of affected users once the law takes effect Dec. 2.

Gov. Greg Abbott, surrounded by Republican lawmakers, praised HB 20 when he signed it into law two weeks ago, saying the measure will let improperly blocked users return online.

"There is a dangerous movement by some social media companies to silence conservative ideas and values," Abbott said. "It is now law that conservative viewpoints in Texas cannot be banned on social media."

But in a lawsuit filed in Austin [federal court](#), the tech associations argued that HB 20—which applies to large social media platforms, particularly Facebook, Twitter and YouTube—will impose onerous legal costs on companies forced to defend countless lawsuits from users.

HB 20 also allows legal challenges by anybody who lives in Texas, does business in the state or "shares or receives content on a social media platform in this state."

The tech lawsuit also contends that HB 20 violates the companies' First Amendment right to have editorial discretion over what appears on their websites.

Because the law prohibits [social media platforms](#) from censorship based on "the viewpoint of the user or another person," the lawsuit argued that HB 20 will lead to drastic consequences.

"At a minimum, HB 20 would unconstitutionally require platforms like YouTube and Facebook to disseminate, for example, pro-Nazi speech, terrorist propaganda, foreign government disinformation and medical

misinformation," the lawsuit said.

"In fact, legislators rejected amendments that would explicitly allow platforms to exclude vaccine misinformation, terrorist content and Holocaust denial," the lawsuit added.

The lawsuit also complained that HB 20 requires large social [media](#) companies to create an "inherently burdensome and unworkable" complaint process for those who believe their content was improperly removed. Companies will have 14 business days to answer complaints, with users given an opportunity to appeal and receive written notice of the appeal's conclusion.

The First Amendment forbids Texas state government from forcing private businesses to host speech they'd otherwise remove or restrict, said Steve DelBianco, president and CEO of NetChoice, which filed the [lawsuit](#) with the Computer and Communications Industry Association.

"No American should ever be forced to navigate through harmful and offensive images, videos and posts," DelBianco said.

The two trade groups also sued over a similar Florida law passed earlier this year in response to complaints that conservatives like President Donald Trump have been improperly silenced by "Big Tech." The law would have imposed fines on large [social media companies](#) that remove accounts of political candidates.

A federal judge granted a preliminary injunction blocking its enforcement in late June.

"The legislation compels providers to host speech that violates their standards—speech they otherwise would not host—and forbids providers from speaking as they otherwise would," U.S. District Judge Robert

Hinkle wrote.

Florida Gov. Ron DeSantis has appealed the ruling.

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