

Bill allows social media sites to be sued for removing certain posts

by Scott Carroll and Zack Briggs



An Arkansas state representative has filed a bill allowing social media websites to be sued for removing certain religious and political posts, whether or not the platforms deem the posts to be hate speech (Photo: MGN)

LITTLE ROCK (KATV) —

An Arkansas state representative has filed a bill allowing social media websites to be sued for removing certain religious and political posts, whether or not the platforms deem the posts to be hate speech.

House Bill 1028, titled the "Stop Social Media Censorship Act," was filed Wednesday by Rep. Johnny Rye, a Republican from Trumann. It proposes a minimum civil damage amount of \$75,000 for each post that's removed or censored through an algorithm or other means. Under the bill, social media sites are considered a public utility subject to "special government regulation."

The bill applies to social media sites with at least 75 million users, such as Facebook, Twitter and YouTube. It allows the

Arkansas attorney general to bring civil litigation against those companies on behalf of social media users in the state.

"What's also curious about this bill is that the owner of that -- or the operator of that social media platform is only liable if they live in Arkansas so I'm not aware of any of those platforms or operators living in Arkansas," said John DiPippa, Dean Emeritus and Distinguished Professor of Law at the University of Arkansas Little Rock law school.

Rye, who is an active Facebook user, said Thursday that he authored the bill in response to a "movement going on across our nation" to censor certain content, particularly religious posts, on social media. He could not point to a specific case of online censorship and said no one in his district had raised the issue.

"We're just trying to make sure that folks have freedom of speech," he said.

DiPippa said that the bill's language is questionable when it applies to the First Amendment.

"The biggest problem, however, is that the First Amendment doesn't allow the government to force private speakers to adopt anyone's viewpoint," he said.

Republicans across the country, including President Donald Trump, have claimed that Facebook, YouTube, Twitter and other platforms have unfairly suppressed and censored conservative content. Far-right personalities like Milo Yiannopoulos, Laura Loomer and Alex Jones have been permanently banned for violating hate speech policies on the websites.

Hate speech is defined in Rye's bill as "content that an individual arbitrarily finds offensive based on his or her personal moral code." The bill says "alleged hate speech" cannot be used to justify the removal of political or religious posts. But the bill has exceptions, such as content that calls for "immediate acts of violence, is obscene, or is pornographic in nature."

"People sometimes hide behind their own religion with things that are actually wrong," Rye said. "We're not looking for that to happen."

Ethnic slurs would also be an exception, Rye said.

The bill was filed the same week that Rye's Republican colleague, state Sen. Jason Rapert of Conway, was temporarily banned from posting on Twitter over comments he made about Muslims. Rapert, an outspoken evangelical who frequently spars with his critics online, shared an article about high Muslim voter turnout in the midterm elections and wrote, "Do you want them ruling everything in America?" Rapert also wrote, "If you read this article and don't see real political concerns then you have a problem perceiving news."

State Democrats condemned Rapert's comments and the Council on American-Islamic Relations called for the legislature to censure Rapert.

Rye said Thursday that he expects Rapert to support his bill but that he didn't know about Rapert's comments and Twitter suspension.

Republicans in at least nine other states are pursuing similar legislation, according to reports.