

Supreme Court requests the Biden administration's opinion on social media laws in Texas and Florida

The US Supreme Court has asked the Biden administration to offer their thoughts on the social media laws in Texas and Florida before the justices decide whether to take on cases involving Big Tech industry lawsuits against the two states. In a list of orders released recently, the Supreme Court did not decide on the cases and instead asked the Department of Justice's Solicitor General to provide the agency's views. The Supreme Court said, "The Solicitor General is invited to file briefs in these cases expressing the views of the United States."

Big Tech groups NetChoice and the Computer & Communications & Industry Association (CCIA) challenged the Florida and Texas laws, representing companies like Amazon, eBay, Facebook, Google, Twitter, and Yahoo. The Florida law aimed to make it illegal for big social media sites to ban politicians, but a federal judge blocked it. It was later upheld by the US Court of Appeals for the 11th Circuit, which stated that the law probably violates the First Amendment. The Texas law prohibited social media companies from moderating content based on a user's viewpoint and was initially blocked by a federal judge but was later stayed by the US Court of Appeals for the 5th Circuit.

The split between the two circuits has increased the likelihood that the Supreme Court will rule on the First Amendment questions raised by these cases. In May 2022, the Supreme Court voted 5-4 to vacate the 5th Circuit ruling that revived the Texas law. But the 5th Circuit appeals court, which had previously restored the social media law in a one-sentence order, later sided with Texas again in a lengthier ruling. The ruling stated, "Today, we reject the idea that corporations have a freewheeling First Amendment right to censor what people say."

Florida urged the Supreme Court to rule and stated that their law "attempts to prevent social-media companies from abusing their enormous power to censor speech." Big Tech lobby groups, acknowledging the circuit split, stated that the Supreme Court should settle the matter. CCIA President Matt Schruers said in December, "This case, involving a key Constitutional issue and split appellate court decisions, calls for Supreme Court oversight."

Schruers also argued that the Texas social media law would "pave the way for an Internet overrun with bad actors and tie the hands of businesses trying to protect users." The social media laws in Texas and Florida have created a lot of controversies and sparked debates on the limits of free speech and the role of social media companies in moderating content. The Supreme Court's request for the Biden administration's views is a significant step towards resolving this issue.

It is yet to be seen how the Biden administration will weigh in on the matter, but their input will play a crucial role in the Supreme Court's decision-making process. The Supreme Court's decision on whether to take on these cases and the outcome of the cases will have far-reaching consequences for the social media industry, the First Amendment, and the limits of free speech online. The world is watching closely to see how the US Supreme Court will handle this sensitive and complex issue.

REFERENCES:

Supreme Court seeks Biden admin input on Texas and Florida social media laws