

Arkansas Bill Allows Social Media Sites to Be Sued for Censorship, and Newly Elected US Senator to Investigate Big Tech

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Arkansas state Representative Johnny Rye has proposed a bill, the “Stop Social Media Censorship Act,” that would allow large social media websites with more than 75 million users to be sued for removing certain religious and political posts. It would allow the Arkansas attorney general to bring civil litigation against those companies on behalf of social media users in the state. A law school professor pointed out that the operator of that social media platform is only liable if they live in Arkansas. Republicans in at least nine other states are pursuing similar legislation.

On the national front, newly-elected Republican US Senator Josh Hawley from Mississippi plans to investigate Big Tech giants for censorship as they are violating Section 230 of the Communications Decency Act in which the government gives immunity from being sued to the tech companies in exchange for not censoring editorial content. Big Tech monopolies should be stripped of their unfair advantage.

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.

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