



Written by [Bob Adelman](#) on February 2, 2024

Babylon Bee Urges Supreme Court to Uphold State Laws Holding Social Media Companies Accountable

The satire website Babylon Bee and its affiliated “straight news” website Not the Bee [have joined with a chorus of others](#) supporting laws in Florida and Texas that seek to hold social media sites like Facebook, Instagram, and others accountable in their roles as neutral administrators and not censors of the content they publish.

Those laws, in two words, treat them as “public forums,” and thus they may be sued by individuals who claim they have been censored, banned, or deplatformed altogether due to viewpoints that the sites deem to be “misinformation” or “hateful.”



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The laws have been subjected to court challenges, and are finally to be adjudicated by the Supreme Court.

As First Liberty Institute, a leading public-interest law firm assisting the Bees in their friendly brief, noted:

The Babylon Bee, LLC, is a website that exposes foolishness, mocks absurdity, and highlights hypocrisy in faith, politics, and culture through satire, humor, and parody.

Not the Bee, LLC, is a Christian news website that runs entirely accurate headlines one might expect to find in The Bee. Both sites have experienced censorship and shadow-banning by social media platforms.

But the censorship of these sites, along with many others, “is no laughing matter,” said Jeremy Dys, senior counsel for First Liberty Institute, who added:

For too long, social media giants have censored conservative and religious speech with which they disagree.

These laws are basic consumer-protection regulations that simply hold social media platforms accountable to the image of neutrality that they project, and they are consistent with federal law and the First Amendment.

The defendants claim that they have First Amendment rights as privately held companies. And they claim that Section 230 of the Communications Decency Act, signed into law in 1996 — 28 years ago when the digital landscape was far different — protects them in their censorship and deplatforming decisions.



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From the Bees' brief:

[What we] want social media platforms to [do is to] transparently announce and evenhandedly apply their content standards...

They represent that they host third-party speech according to objectively administered standards. Their user agreements do not disclose that they will unevenly enforce their standards against disfavored viewpoints or speakers.

Yet these platforms now assert the unlimited and unilateral right to censor, deplatform, or shadow-ban disfavored users, disfavored content, and disfavored viewpoints.

The laws passed by the states of Florida and Texas "do not violate the platforms' First Amendment rights. They merely require social media titans to honor the representations they make to the public whose communications they carry." They "advance core First Amendment values by promoting the free exchange of ideas and by protecting religious viewpoints ... from censorship."

The brief reminds the high court of just a few of the most outrageous, pernicious, and ugly examples of the blatant censorship wielded by those titans, hiding behind Section 230 and the First Amendment:

Twitter [before X] says Taliban terrorists can post propaganda on platform while Donald Trump remains banned.

Twitter suspended a Spanish politician for tweeting "a man cannot get pregnant. A man has no womb or eggs."

You know who doesn't get blocked on Twitter for spreading misinformation about Covid?
The Chinese Communist Party.

Facebook rejects police group's Officer of the Year ad.

The Bees' brief went on to say that Twitter [before Musk] prohibited users from posting "hate." But, it added:

According to Twitter, posting "hate" includes those who simply post facts. In Twitter's judgment, a politician's biologically correct statement that "[a] man has no womb or eggs" is hate speech, but a college professor's profoundly racist statement, "I block white people" because "[t]here is nothing white people can say and do that is creative, profound, and intimidating," is valuable discourse deserving to remain on the platform...

Thus, in Twitter's judgment, biology is hate, but unadorned racism ... is not.

In 2020, Twitter suspended the account of a Chinese scientist and whistleblower for suggesting that the Covid virus originated in a Wuhan lab. But, "it allowed the Chinese Communist Party to tweet that it had "evidence that the virus originated in the US."

Babylon Bee poked fun at "Rachel" Levine, the man who "transitioned" to a woman and later became the first openly transgender four-star officer in the nation's uniformed services. The Bee awarded him the site's "Man of the Year" award in 2022. For that indiscretion of "misgendering," Twitter suspended The Bee's account. "Twitter refused to reinstate The Bee unless The Bee agreed to delete the tweet,



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something The Bee refused to do on principle.”

The brief also noted that the Biden administration worked closely with social media titans in dispersing its own flavor of propaganda while silencing its opposition. The report from the House Subcommittee on the Weaponization of the Federal Government revealed that insidious and incestuous relationship. As the brief explained:

That report concluded that “[w]hat the federal government could not do directly, it effectively outsourced” to social media platforms— “the newly emerging censorship-industrial complex.”

The report revealed that social media companies had worked with the government to “censor true information, jokes, and political opinions.”

And this scheme largely “benefitted one side of the political aisle: true information posted by Republicans and conservatives was labeled as “misinformation” while false information posted by Democrats and liberals was largely unreported and untouched by the censors.”

Specifically, it targeted “a veritable who’s who of prominent conservative voices” (including [the supporters of the petition]) for censorship.

The brief concluded its support for those laws with this:

Recognizing this problem, the Florida and Texas laws seek to put users and platforms on an even playing field.

The law “protects [users’] ability to freely express a diverse set of opinions through one of the most important communications mediums used in that State.”

And platforms “can still say whatever they want (or decline to say anything) about any post by any user.”

By ensuring content standards will not be inconsistently applied to target disfavored viewpoints—including traditional religious viewpoints—the Florida and Texas laws help preserve the internet as “a forum for a true diversity of political discourse,” and promote the “marketplace of ideas” that the First Amendment protects.



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