



Written by [James Murphy](#) on September 15, 2022

California's Newsom Signs Social Media Bill to Remove "Hate Speech" and "Extremism." Defined by Whom?

On Tuesday, California Governor Gavin Newsom signed into law [AB-587](#), the Social Media Transparency and Accountability Act, which he euphemistically referred to as a "transparency measure" intended to make the internet safer by requiring social media companies to publicly post their policies regarding so-called hate speech, disinformation, harassment, and extremism. The companies will also be required to report data on their enforcement of these policies.

"California will not stand by as social media is weaponized to spread hate and disinformation that threaten our communities and foundational values as a country," Newsom said. "Californians deserve to know how these platforms are impacting our public discourse, and this action brings much-needed transparency and accountability to the policies that shape the social media content we consume every day."

The bill's author, Assembly Member Jesse Gabriel, a Democrat, claimed that the bill would protect children and other "vulnerable" groups.

"Social media has created incredible opportunities, but also real and proximate threats to our kids, to vulnerable communities, and to American democracy as we know it," Gabriel said. "This new law will finally pull back the curtain and require tech companies to provide meaningful transparency into how they are shaping our public discourse, as well as the role of social media in promoting hate speech, disinformation, conspiracy theories, and other dangerous content."

Companies would be liable for civil penalties should they fail to comply with the law to the state's satisfaction.

The new law was highly praised by far-left organizations such as the Anti-Defamation League (ADL).

"Today is a victory for internet safety advocates from across not only California, but the nation," said Jonathan Greenblatt, CEO of the ADL. "This bill will have national implications to ensure that vulnerable communities are protected from the harms we see online."

Former Federal Election Commission (FEC) Chairwoman Ann Ravel, a Barack Obama appointee, lauded the bill as well.



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“Greater transparency can combat the rise of disinformation, hate speech, and calls to violence that are omnipresent on social media and destructive to our democracy,” Ravel said of the bill.

“By creating clear guidelines requiring online platforms to disclose their policies and their enforcement of those policies, the Social Media Transparency and Accountability Act ... will increase public trust and engender more awareness by tech companies about the deceptive and harmful activity on their platforms,” the former FEC head said.

The new California law is only part of the state’s strategy for policing the internet. On August 29, the California State Senate passed [AB-2273](#), also known as the Age-Appropriate Design Code Act, which if signed would require social media companies to consider the physical and mental health of minors who use their platforms.

Other states have also demanded transparency from social media, but for other reasons. Texas, for instance, passed [HB 20](#) in 2021, but that law was aimed at prohibiting censorship of conservative voices.

The Texas law looks to prohibit “censorship of or certain other interference with digital expression, including expression on social media platforms or through electronic mail messages.”

Florida passed a law which also looks to address censorship. Both the Texas and Florida laws are being challenged by internet advocacy groups, which claim that the laws violate the First Amendment rights of the platforms.

The new California law, on the other hand, would seem to be encouraging such censorship.

Court watchers believe that the new California laws will also be challenged by internet advocacy groups, or possibly even the platforms themselves.

“AB587 has censorial consequences. Among other problems, by prioritizing certain content categories, the bill tells social media platforms that they must make special publication decisions in those categories to please the regulators and enforcers who are watching them,” [wrote](#) Eric Goldman, a Santa Clara University School of Law professor.

“The bill is likely to be struck down as unconstitutional at substantial taxpayer expense. The censorial consequences should trigger the highest level of constitutional scrutiny, but the undue burdens and lack of consumer benefit ensures it won’t survive even lower levels of scrutiny,” Goldman explained.

Twitter, Facebook, and all the others find themselves in an odd predicament. While states like Texas and Florida are looking to *stop* them from censoring certain voices, California seems intent on insisting that they *censor* certain voices.

Expect to see some of these cases in upcoming sessions of the U.S. Supreme Court.



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