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WLF Asks Ninth Circuit To Reject California Law That Chills Social Media Platforms' Free-Speech Rights *(X Corp. v. Bonta)*

“There will be no logical limit to government intrusion into social media if AB 587 is upheld.”

—Cory Andrews, WLF General Counsel & Vice President of Litigation

WASHINGTON, DC— Washington Legal Foundation (WLF) yesterday urged the U.S. Court of Appeals for the Ninth Circuit to reverse a trial court’s refusal to enjoin California’s controversial new social media law, AB 587. WLF’s amicus brief was prepared with the generous pro bono assistance of Trent Norris, Mark Brennan, Ryan Thompson, Sophie Baum, and Alexander Tablan of Hogan Lovells US LLP.

AB 587 requires large social media companies to post government-dictated terms of service and regularly inform the California Attorney General about whether, and if so how, the social media company defines and moderates certain controversial categories of content, including “hate speech” and “misinformation.” Social media companies also must provide details about any actions taken to moderate these categories of content. Failure to comply with these requirements can subject the social media company to daily financial penalties of \$15,000 per violation.

As WLF’s amicus brief explains, AB 587 violates the First Amendment because it compels companies to speak against their will, impermissibly interferes with the constitutionally protected editorial judgments of social media platforms, has both the purpose and likely effect of pressuring these companies to remove, demonetize, or deprioritize constitutionally protected speech that the State deems undesirable or harmful, and places an unjustified and undue burden on social media companies.

Celebrating its 47th year, WLF is America’s premier public-interest law firm and policy center advocating for free-market principles, limited government, individual liberty, and the rule of law.

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