

Townhall

Big Tech Violates Free Speech Rights Upheld in 2018 SCOTUS Ruling

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The Chief Executive Officers of Facebook, Twitter and Google were recently subpoenaed to testify before the Senate Commerce Committee about their content policies. The hearing comes hot on the heels of news that Twitter locked the *New York Post*'s account, claiming the outlet violated its rules in a series of tweets about its exposé on Hunter Biden.

This week's tech giant hearings are the result of the latest attempts of the left's "thought police." These powerful interest groups seek to keep the public in the dark about critical information impacting them and, in doing so, restrict the right of free speech. Their efforts attempt to nullify the voices of those who disagree with their politically correct dogma.

Clearly, such endeavors to control the thoughts of Americans impact free speech. Free speech is a fundamental constitutional right and was upheld by one vote in the SCOTUS decision *NIFLA v. Becerra* —which will have a lasting impact for decades. This decision saved the First Amendment. According to the Cato Institute, it was one of the most important free speech rulings in generations.

At issue in the case was the constitutionality of California's so-called "Reproductive FACT Act." This law, promoted by Sen. Kamala Harris and her allies, attempted to force pro-life medical clinics to become advertising agents for the abortion industry. It required large signs to be posted advising patients of their right to state-funded abortions along with an 800 number to call to obtain one. Failure to comply would result in large fines aimed at closing the clinics down.

Pregnancy centers and medical clinics provide essential resources that are necessary to empower mothers to choose life. The newly released report from the Charlotte Lozier Institute documents the incredible work of such agencies nationwide. Its findings show that in 2019 pregnancy centers provided nearly \$267,000,000 in supportive services to women in need – including ultrasound confirmation of pregnancy, STI testing and treatment, and vital material assistance.

What these nonprofits do not provide is abortion or abortion referrals. This is the real objection that Sen. Kamala Harris and her allies have to such life-affirming alternatives. It is also the driving force behind weaponized legislation and repeated abortion industry smear campaigns.

Can the government mandate that Alcoholics Anonymous post signs advising their clients of the local liquor store's location? Could the government require that the American Cancer Society promote cigarettes? If the state of California had prevailed in this case, then the answer to these questions would be yes.

In a 5-4 decision, SCOTUS found the statute unconstitutional because it violated the free speech rights of pro-life centers. In the majority opinion, Justice Thomas stated that this ordinance

constituted content discrimination. In other words, it discriminated against the clinics because the government did not like their pro-life message.

A concurring opinion, authored by Justice Kennedy and joined by Justices Alito, Roberts, and Gorsuch, stated the statute also constituted viewpoint discrimination. Meaning, California wanted to punish centers for how they thought about abortion – not just for what they said. Such an opinion is a strong repudiation of the left's continued attempts to act as the thought police.

NIFLA v. Becerra was a landmark free speech case decided by one vote. Justice Thomas went through an ugly confirmation process in 1992. If he had not been confirmed, the outcome of this historic case could have been very different.

Newly confirmed Justice Amy Coney Barrett will likely provide one vote that will make a critical difference in future issues facing America. Free speech is fundamental to American liberty. If this week's hearings are any indicator, it is highly probable that tech giants' unconscionable attempts to function as the thought police will come before the high court as well.

Big tech's attempts to control how we think also qualify as attempts to control what we say. America's fundamental liberties are clearly threatened. As Ronald Reagan said, the loss of liberty is only one generation away. Are we that generation?