

Subreddit Gets Users to Call Texas Gov. Greg Abbott a 'Little Piss Baby' To Defy Content Moderation Law

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As of this week, the subreddit <u>r/PoliticalHumor</u> is requiring that all posts include the phrase "Greg Abbott is a little piss baby" or else users will be banned from the forum, <u>per reporting</u> by *TechDirt*. Moderators have made explicit that they will be discriminating against all users posting viewpoints that go against the piss-baby line in protest of Texas' new <u>content moderation law</u>, H.B. 20, which forces social media platforms to host speech they find objectionable.

That law, which *Reason*'s Scott Shackford has reported on in the past, was <u>recently upheld</u> by a panel of Fifth Circuit judges, "in what certainly appears to be a complete violation and abandonment of First Amendment protections for private companies," writes Shackford.

H.B. 20, which was first signed into law by Texas' Republican Gov. Greg Abbott in 2021, disallows U.S.-based platforms with over 50 million monthly users from banning users over their beliefs. Originally drafted by Republican lawmakers alleging viewpoint discrimination against conservatives, the bill has percolated through the courts. One federal judge summed it up well as he blocked the law from taking effect back in December of last year: "This Court is convinced that social media platforms, or at least those covered by [House Bill] 20, curate both users and content to convey a message about the type of community the platform seeks to foster and, as such, exercise editorial discretion over their platform's content."

Other judges have disagreed—most recently the panel of Fifth Circuit judges who <u>upheld the law</u>, claiming that the social media platforms challenging the bill "offer a rather odd inversion of the First Amendment. That Amendment, of course, protects every person's right to 'the freedom of speech.' But the platforms argue that buried somewhere in the person's enumerated right to free speech lies a corporation's *unenumerated* right to *muzzle* speech." (Emphasis theirs.)

Now, people are hilariously testing how far Texas will go in winnowing away at companies' abilities to decide which content they host. Reddit makes a particularly interesting case study due to the unique nature of the site's content moderation practices. The subreddit's moderators explain:

"Reddit falls into a weird category with this law. The actual employees of the company Reddit do, maybe, one percent of the moderation on the site. The rest is handled by volunteer moderators, who Reddit has made quite clear over the years, aren't agents of Reddit (mainly so they don't lose millions of dollars every time a mod approves something vaguely related to Disney and violates their copyright). It's unclear whether we count as users or moderators in relation to this law, and none of us live in Texas anyway."

Courts elsewhere have "rightly recognized that the government has no legal authority to interfere with the way a private company decides to curate content that it presents to its customers, especially when their interference is politically motivated," <u>explainedSpence Purnell</u> over at the Reason Foundation (the nonprofit which publishes this website) back in 2021.

Laws that attempt to treat social media companies as "common carriers" (like utility providers or telecommunication companies) are bad not just from a compelled-speech perspective but also because the "common carrier" definition probably <u>should notapply</u> to social media providers for a whole host of reasons (The Cato Institute's Matthew Feeney <u>touches on that more here</u>).

If pointing out the absurdity of such laws requires somewhat juvenile (but possibly truth-telling) Reddit stunts, so be it.