

Tribune Chronicle

State bill on Big Tech advances

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An Ohio House committee approved a bill, sponsored by state Rep. Al Cutrona, that would prohibit Big Tech companies such as Facebook, Google and Twitter from censoring based on content unless it violates state or federal laws.

It now moves to the House floor for consideration.

The House Civil Justice Committee voted 8-4 along party lines with all Republicans, including Cutrona of Canfield, voting in favor of it and Democrats opposing it.

Cutrona said the proposal is *“an anti-discrimination bill. It will prevent Big Tech from censoring the expression of Ohioans based on their point of view.”*

He added the *“free exchange of ideas and information”* is *“currently threatened by a handful of Big Tech social media platforms and interactive computer services.”*

Because they are *“central public forums,”* Cutrona said, *“Ohio is well within its rights to stop Big Tech from censoring users based on their viewpoint.”*

Cutrona and state Rep. Scott Wiggam, R-Wooster, introduced the bill last October.

Similar proposals have been introduced in several other states by Republicans with Texas and Florida approving them. But federal judges stopped the enactment of the laws in those two states ruling they violate the First Amendment.

TRUMP BAN

Much of the legislation was proposed because various online platforms — including Facebook, Twitter and YouTube — banned former President Donald Trump, a Republican, after he was accused of inciting the Jan. 6, 2021, riots at the U.S. Capitol to stop the congressional electoral vote count for the presidency he lost.

Others have been banned for falsely saying Trump’s 2020 presidential election loss was rigged, the COVID-19 pandemic was a hoax and other unfounded government conspiracies.

Before introducing the bill last year, Cutrona called the Trump ban “*a tipping point*” for his proposal and added “*we’ve seen it with congressional members as well.*”

The proposal would prohibit social media platforms with at least 50 million active users from banning, blocking or discriminating against a person based on the ideas they express, unless the statements violate state or federal laws.

It also allows a person to bring legal action against a company that is found to violate the legislation.

TESTIMONY

The committee had seven hearings on the bill with the final one being last week.

Among those testifying in favor of the bill were conservative public policy think-tank organizations including the America First Policy Institute, the Heartland Institute and the Heritage Foundation.

James Sherk, director of AFPI’s Center for American Freedom and a former special assistant to Trump on the White House Domestic Policy Council, testified that “*states can take effective action against Big Tech censorship while staying within the parameters of federal law and the Constitution. The Ohio Legislature can prevent Big Tech from censoring Ohioans.*”

James Taylor, president of the Heartland Institute, said: “*State legislators not only can take immediate and powerful action to secure our free speech rights from abusive Big Tech censorship, they must take such action if they are to properly fulfill their responsibility to protect the rights of the citizens of their respective states.*”

A number of left-leaning organizations — including the ACLU of Ohio and Chamber of Progress — testified against the bill. But so did right-leaning organizations such as the Ohio Chamber of Commerce, the Cato Institute and Americans for Prosperity.

Matthew Feeney, director of Cato’s Project on Emerging Technologies, said the proposal “*raises significant constitutional concerns, includes definitions that would result in unintended consequences and would make social media platforms unusable if implemented in its current form.*”

Feeney pointed out the language in the bill is very similar to the ones in Texas and Florida and would *“face the same fate if it is passed as written.”*

Also, Feeney said the bill wouldn't permit bans on a *“wide range of speech that many Americans would consider lawful but awful such as videos of animals being crushed to death, lynching photos, messages of support for Islamist terror groups, pornography and spam. This content is legal, but most private companies understandably take steps to limit its spread.”*

Jeff Dillon, Ohio legislative director for Americans for Prosperity, said the proposal, *“while well-intentioned, misses the mark in several important ways.”*

Among the issues, he said, is the legislation *“faces a legitimate and real threat of facing challenges on constitutional grounds for violating the First Amendment,”* and *“the cost of litigation would cost Ohio taxpayers hundreds of thousands of dollars of their hard-earned money defending a law that is clearly riddled with constitutional concerns.”*

Tony Long, the chamber's director of tax and economic policy, said even if the proposal survived challenges that it violates federal law, *“this heavy hand of government impedes the free enterprise of Ohioans and starts Ohio down the path of state government determining how Ohioans interact with each other, how they conduct business and how they manage their workforce.”*