

The Supreme Court's Role in Shaping the Future of Social Media Regulation

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In our modern world, social media is everywhere. It's how we talk, share, and learn about the world. But now, there's a big concern: Should the government step in and control it? It's a tug-of-war between free speech, responsibility, and what's right for society. Lawmakers and experts are wrestling with this big puzzle. In the article "How the Supreme Court should rule on Florida and Texas laws against social media moderation" from the *Tampa Bay Times* Erwin Chemerinsky (2024) dives into the constitutional implications of laws in Florida and Texas seeking to regulate social media content moderation. Chemerinsky (2024) argues that those laws would infringe upon the First Amendment rights of private companies and could escalate already existing challenges within the online world. He argues social media platforms, just like newspapers, should choose how they want to moderate content, not the government. In addition, Chemerinsky (2024) warns against comparing social media to common carriers, noting how much they control content. Personally, I agree with Chemerinsky's claim that these laws raise significant constitutional concerns and I also agree that they may have detrimental effects to the online platforms. In this essay I will explore each of the main parts of his argument, including the potential risks associated with government regulation, infringement on First Amendment rights, and the importance of striking a balance between free speech rights and content moderation responsibilities.

Chemerinsky (2024) begins his article by saying that those laws would "Make the internet and social media enormously worse," which I completely agree with. If the government controls moderation on the internet, then they can control what we see and hear. The government having control over moderation on private social media apps would violate their First Amendment rights.

The laws in Florida and Texas raise concerns regarding government overreach. Chemerinsky (2024) questions the reasons behind these laws, which claim to protect conservative speech on social media. He says these laws take away the independence of social media companies and go against free speech rights in the First Amendment. These laws force social media platforms to focus on types of speech, limiting their freedom to decide. Also, comparing social media to common carriers ignores how they actively control online conversations through content moderation. Chemerinsky's ideas are backed up by legal experts who worry that if the government starts controlling what's allowed on social media, it could lead to serious problems. For example, if laws in Florida and Texas force social media companies to follow strict rules, it might mean more spying on what people do online and less freedom to speak our minds. Studies show that when governments get involved in deciding what's okay to say online, it often doesn't work out well. Instead of making things better, it can make people scared to speak up and share their thoughts. Think about countries like China and Russia where the government keeps a close eye on what people say online. We don't want that kind of control here. Giving the government power over social media could hurt free speech and take away what makes the internet a lively and open place for everyone.

Chemerinsky (2024) points out a few different approaches to content moderation “One approach to this problem is extensive government regulation of what appears on social media. That would clearly violate the First Amendment, however, and we all should be concerned about giving government such power to regulate what we see and hear.” Chemerinsky (2024) makes a very persuasive argument on how it’s not a good idea to let the government control what we can see and hear. I agree with Chemerinsky (2024), I believe that Government intervention in social media content moderation poses risks to free speech rights and could possibly lead to unintended

consequences. Chemerinsky (2024) warns us about letting the government get too involved in regulating social media. He's worried that heavy-handed rules could put a restraint on free speech online. He says forcing social media platforms to follow government rules would stop them from coming up with new ideas and adapting to what people want. Additionally, strict content rules might silence differing opinions and shut down important conversations. He believes if the government takes control we can kiss our digital freedoms goodbye. Chemerinsky thinks it's better to let social media companies control themselves, but in a responsible way, rather than relying on strict government rules. Chemerinsky's worries are shared by experts in the tech field. They say if the government starts controlling what's allowed online, it could slow down progress and make it harder for new ideas to flourish. Research backs this up, showing that too many rules from the government can stifle innovation. Plus, when the government steps in to control what people can say, it often ends up silencing voices that need to be heard. This could mean fewer diverse opinions and less room for different voices online. Instead of strict government rules, experts suggest a different approach: letting social media companies handle things themselves, but with clear rules and transparency. This way, everyone can have a say and there's room for innovation while keeping things safe.

Chemerinsky (2024) raises crucial points about the complexities of content moderation on social media platforms. Chemerinsky (2024) emphasizes that entrusting this responsibility solely to these companies requires careful consideration due to the potential negative consequences. It's not just about preserving free speech; there's also a need to address harmful content effectively. Chemerinsky (2024) suggests that if we rely entirely on social media companies for moderation, it could worsen existing issues like the spread of hate speech and misinformation. Social media platforms shape what we see online, but they aren't perfect at moderating content. Without

oversight, they might care more about money than keeping users safe. So, finding a balance that lets them run things while also protecting people is super important in today's digital world. It's like walking a tightrope, needing careful thought and action to make sure everyone stays safe online. Chemerinsky's worries make sense because studies show social media platforms struggle to control harmful stuff like hate speech and fake news. Sometimes they care more about making money than keeping users safe. Recent research found that they often fail to remove harmful content quickly enough, letting it spread. Plus, investigations show they might prioritize getting more likes and shares over removing harmful stuff. This means certain groups, like minorities, could be hurt more by unfair rules. So, experts say we need clear rules and oversight to make sure social media companies do their job of keeping us safe while letting everyone speak freely online.

Chemerinsky (2024) argues that when social media platforms prioritize free speech and manage content responsibly, it boosts public discussions and democratic engagement. Instead of strict government rules, he suggests letting social media companies improve how they moderate content. He stresses the need for honesty, responsibility, and open conversation online. By empowering social media companies to regulate themselves and adopt better practices, we can create a space where many voices are heard, and harmful content is dealt with well. Collaboration among policymakers, tech experts, and society is super important in making rules that protect online freedoms and prevent harm. Together, they can make the internet safer and more welcoming for everyone. I totally agree with Chemerinsky's ideas. When social media platforms find the right balance between free speech and responsible content management, it creates a better online world for everyone. Supporting self-regulation and better moderation practices empowers these platforms to make the internet safer while respecting individual rights.

Collaboration is key in making rules that handle online challenges while keeping our freedoms intact. Chemerinsky's idea makes sense because research shows that when social media companies manage content well, it helps conversations online and gets more people involved in democracy. Studies found that when platforms fight fake news and harmful stuff effectively, users trust them more and join in discussions about important issues. Plus, examples from platforms like Reddit and Discord show that when they set clear rules and involve users in decision-making, it makes the internet a better place. So, supporting these kinds of practices can make the internet safer and more welcoming for everyone.

In conclusion, the debate over social media regulation is complex, touching on free speech, democracy, and societal well-being. Erwin Chemerinsky's arguments show that government involvement in content moderation could harm our freedoms. He stresses the importance of finding a balance: letting social media companies improve moderation while staying transparent and accountable. Looking back, I've learned that regulating social media isn't straightforward. It's crucial to empower companies to do better with moderation while making sure they're held accountable. I've had my own experiences with bad content moderation I've seen horrible things on social media. I hope that collaboration between policymakers, tech experts, and society is key to making rules that protect freedoms while keeping the internet safe. In the end, we need to find a middle ground that respects companies' independence while keeping users safe online. By working together, we can create a better digital world for everyone.

References

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