NetChoice

Why Montana Lawmakers Should Oppose HB 770

The bill violates the First Amendment

When platforms choose to remove users or posts, organize content in viewers' feeds or search results, or sanction breaches of their community standards, they engage in **First-Amendment-protected activity**.

The Eleventh Circuit Court of Appeals in NetChoice v. Moody

In the plainest terms:

"Social media platforms have a First Amendment right to moderate content disseminated on their platforms."

U.S. District Court for the Western District of Texas in NetChoice v. Paxton

"**Disclosure requirements burden First Amendment expression** by "forc[ing] elements of civil society to speak when they otherwise would have refrained." "The presence of [such] compulsion from the state…compromises the First Amendment."

U.S. District Court for the Western District of Texas in NetChoice v. Paxton

All decisions about what speech to permit, disseminate, prohibit, and deprioritize—decisions based on a business' own particular values and views—fit comfortably within the Supreme Court's existing rulings on First Amendment protections.

The Eleventh Circuit Court of Appeals in NetChoice v. Moody

"No one has an obligation to contribute to or consume the content that the platforms make available. And correlatively, while the Constitution protects citizens from governmental efforts to restrict their access to social media…**no one has a vested right to force a platform to allow her to contribute to or consume social-media content**."

The Eleventh Circuit Court of Appeals in NetChoice v. Moody

"[T]here is no law that subjects the editorial process to private or official examination merely to satisfy curiosity or to serve some general end such as the public interest; and if there were, it would **not survive constitutional scrutiny** as the First Amendment is presently construed."

U.S. District Court for the Western District of Texas in NetChoice v. Paxton