

Elon Musk's X can't get around California's content moderation law, judge rules

A federal judge has denied X's (formerly Twitter) attempt to temporarily halt a California law that pushes social media platforms to disclose their strategies for moderating harmful content.

Passed last year, AB 587 requires large social media companies to share descriptions of how they moderate content that contains hate speech or racism, extremism or radicalization, disinformation, harassment, and foreign political interference. In a complaint filed in September, X argued that the law violates the First Amendment right to free speech.

The company formerly known as Twitter failed to make its case. US District Judge William Shubb denied X's request for a preliminary injunction of the law. "While the reporting requirement does appear to place a substantial compliance burden on social medial companies, it does not appear that the requirement is unjustified or unduly burdensome within the context of First Amendment law," Shubb writes in his decision issued yesterday.

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X didn't immediately respond to a request for comment from *The Verge*, replying with an email that says, "Busy now, please check back later." The company's complaint against AB 587 said that it's "difficult to reliably define" what constitutes hate speech, misinformation, and political interference. It also alleged that AB 587 would force social media platforms to

“‘eliminate’ certain constitutionally-protected content.”

Shubb, on the other hand, found that the information AB 587 requires companies to report to the Attorney General twice a year is pretty straightforward. “The reports required by AB 587 are purely factual. The reporting requirement merely requires social media companies to identify their existing content moderation policies, if any, related to the specified categories,” his decision says. “The required disclosures are also uncontroversial. The mere fact that the reports may be ‘tied in some way to a controversial issue’ does not make the reports themselves controversial.”

<https://www.theverge.com/2023/12/29/24018645/x-twitter-elon-musk-content-moderation-law-california-decision>