

BRENT TURMAN IN DBA'S HEADNOTES EXPLORES THE "RIGHT TO TWEET"

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Senior Associate Brent A. Turman authored the article titled, "The Right to Tweet" for the Dallas Bar Association (DBA) publication Headnotes. In the piece, Turman dissects the legal basis for social media platforms such as Twitter and Facebook to remove "dangerous" users and de-platform pages. As a case study, Turman analyzes how public figure Alex Jones' controversial online comments resulted in multiple lawsuits, as well as suspension of his accounts on virtually every social media platform.

Turman notes that the root justification for banning individuals and organizations is that use of privately-owned social media platforms is a "contractual privilege, not an inalienable right," and that users' consent to be monitored and governed by moderators through agreeing to the terms of use. "What gave these platforms the power to pull the trigger? You guessed it—the rules they enacted," says Turman.

Turman concludes with a note of caution:

Remember the Golden Rule: he who has the gold makes the rules. Social media platforms created a whole new world where many Americans spend a sizeable portion of their lives. The platforms are the gatekeepers, and they control who gets access to their universe. If users do not like it, then they can delete their accounts or follow the respective platform's mandatory dispute procedures. But, they should not expect to get their day in court, because you better believe most of these platforms included arbitration provisions in their rules.

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