

H048

SB 180

Doug Abraham

Excerpt from US Supreme Court Oral Argument in *Free Speech Coalition v. Paxton*

DEREK L. SHAFFER, ESQ (Petitioners):

I've had the same experience. But Justice Alito, I don't think the senior citizen under the New York law would be as likely to be asked to produce verification of age. And it certainly wasn't an across-the-board age verification mandate that has costs and burdens and chills.

JUSTICE SOTOMAYOR:

Counsel, I think you're off on a-

DEREK L. SHAFFER, ESQ (Petitioners):

Sorry.

JUSTICE ALITO:

Let me move on to something else. So you agree that the state has a compelling interest, but you say they have other ways, less burdensome ways of serving that interest. I just wanted you to go through those. One is filtering. We've talked about filtering. Another that you referred to in passing was putting some kind of a blocking device on every device. You want this built into every smartphone. Is that the idea?

DEREK L. SHAFFER, ESQ (Petitioners):

So it's available. Yes, Justice Alito, right there at the click of a button.

JUSTICE ALITO:

Why is that less burdensome?

DEREK L. SHAFFER, ESQ (Petitioners):

First of all, it's not burdening speech; it's the conduct of producing the device that's subject to the regulation. You also don't have someone when they're accessing extremely sensitive content online, merely by virtue of that, going through a separate transaction where they're identifying themselves in a way that is specific to that content. The most sensitive, private, compromising content.

JUSTICE ALITO:

Your clients don't want to pay for it. You want to put the cost on Apple and Google, right? That's what's involved.