



**Written Testimony of Dr. Edward J. Longe
Before the Idaho Senate State Affairs Committee
February 5, 2024
Regarding S 1253**

Thank you for the opportunity to provide written this morning. My name is Dr. Edward Longe, and I direct the Center for Technology and Innovation at the James Madison Institute. We applaud the efforts of bill sponsors and this legislature to protect teens. JMI is a free market think-tank based in Tallahassee, Florida. We share many of the same values as members of this committee, specifically a steadfast commitment to competitive enterprise, the principles of our founding generation, and a belief in individual liberty and responsibility.

Because of these values, we are deeply concerned about device filtering legislation before this committee.

Content filters represent a one-size-fits-all government solution to a problem best resolved by the market. Today, if a parent wishes to install content filters on a device, they have thousands of applications on the two leading mobile application stores and parental controls at the device level. Such choice allows parents to decide which application best suits their needs. Mandating a content filter installed on a device in a one-size-fits all manner would undermine a parent's ability to identify filtering options that are most suited to their needs. Removing this choice would ultimately put this legislative body between parents and their teens.

Content filters also pose significant constitutional problems. In 1997, the U.S. Supreme Court held that the 1996 Communications Decency Act was unconstitutional because its provisions aimed at protecting teenagers from obscene material would "suppress a large amount of speech that adults have a constitutional right to send and receive." The court also warned that content-based restrictions would inevitably chill speech, enhancing the likelihood that this type of legislation will be found unconstitutional.



I'd also like to provide a word of caution. Device filtering legislation could grant Silicon Valley control over what teens in Idaho see online. Such power could easily be weaponized by big tech companies to censor conservative views and deny teens access to diverse viewpoints by arguing conservative content is obscene and dangerous to children. Such determination would then require them to filter such views out.

Thankfully, it is possible to preserve constitutional rights and ensure parents remain the sole determiner of what content their teens access. Last year, Florida passed House Bill 379 which required teens to take classes in social media safety. Such classes teach teens how to safely navigate the digital world without cutting access to constitutionally protected speech. I urge every lawmaker on this committee to consider how such legislation could be implemented in Idaho.