

Highlights

Highlights of this edition include:

- Coverage of the Supreme Court’s use of “mid-level” scrutiny in *Free Speech Coal., Inc. v. Paxton*, to uphold a Texas law that required age-verification for online speech that is obscene to minors. The Court said that even though the speech was not Miller-obscene for adults and thus protected speech, that “speech is unprotected to the extent the State seeks only to verify age.” The Court held that the Texas law survives intermediate scrutiny (see §§ 6:111 and 17:6).
- Note on the Supreme Court’s 2024 decision in *Moody v. NetChoice*, striking down a Texas law which barred the largest social media platforms from censoring posts based on viewpoint. The Court stated that one major takeaway of *Turner* is that “A private party’s collection of third-party content into a single speech product (the operators’ “repertoire” of programming) is itself expressive, and intrusion into that activity must be specially justified under the First Amendment” (see § 6:21).
- Discussion of the decision in *Mobile Nat’l Dev. Co., LLC v. Spectrum Mid-Am., LLC* dealing with a contract in which a mobile home park agreed to not grant any “easements or rights which will physically interfere or compete with the operation” of a cable operator’s service. The court held that the contract was in conflict with the pertinent FCC regulation, and while the exclusivity provision was voided, the rest of the contract survived, with the offending language merely severed (see § 5:18).
- Expanded treatment the FCC’s net neutrality rules, which were reimposed in the 2024 order captioned *Safeguarding and Securing the Open Internet; Restoring Internet Freedom*, only to be struck down by the Sixth Circuit’s 2025 decision *In re MCP No. 185* (see § 18:22).