

Prager U Sues Google and YouTube for Video Censorship

Prager University (PragerU) has filed a federal lawsuit in California against Google and YouTube for censoring its educational videos. The suit charges that YouTube (which is owned by Google) “use their restricted mode filtering ... as a political gag mechanism to silence PragerU.”

PragerU, founded by radio talk show host Dennis Prager, is a conservative nonprofit digital media organization that is associated with and presents the views of leading conservative experts on current and historical events. The organization produces short, concise, graphics-based videos that are viewed by millions of people, including a large viewership of young people. These are broadly based on Judeo-Christian values and conservative thought. Many of the videos regarding Israel have been censored, as well as those regarding discussions of the history of the Korean War, legal decisions by courts including landmark rulings of the United States Supreme Court, and trending current events such as foreign affairs, male-female differences, environmental issues and other topics discussed on university campuses.

YouTube has admitted that the PragerU videos have been censored by individual human review and not accidentally censored by an algorithm. While PragerU videos have been censored, the same subject matters posted by liberal groups have not been censored.

The intent of the lawsuit is “to stop Google/YouTube from unlawfully censoring its educational videos and discriminating against its right to freedom of speech solely because of PragerU’s political identity and viewpoint as a non-profit that espouses conservative views on current and historical events. Google/YouTube have been discriminating and censoring,

and continue to discriminate and censor educational videos uploaded or posted to the YouTube platform through the arbitrary and capricious use of 'restricted mode' and 'demonetization' viewer restriction filters that purportedly are intended to prohibit or limit access of 'inappropriate' content to prospective public viewers based on certain viewer characteristics, including the age of the viewer."

However, the suit also states that "in response to complaints from the LGBTQ community and other critics, Google/YouTube removed all restricted filtering on videos posted or produced by LGBTQ members and groups, and changed their policy, filtering algorithm, and manual review policies to ensure that videos posted by LGBTQ vloggers were not being censored solely because of the identity of the speaker."

The lawsuit alleges violation of the federal law known as the Lanham Act. The suit also includes a free speech claim, even though Google and YouTube are private companies which are generally not constrained by state and federal constitutional provisions regarding speech. California, however, is one of the few states where the California courts have ruled even private shopping malls must abide by state constitutional free speech provisions. The legal theory is that modern shopping malls have become the modern public like the traditional streets, parks and sidewalks. The suit argues that the modern super information highway channels like YouTube and Google should be considered public fora and the free speech provisions should apply.

"There are many instances of political bias by Google and YouTube, which have repeatedly censored conservative or Judeo-Christian viewpoints," said Mat Staver, Founder and Chairman of Liberty Counsel. "Even Alan Dershowitz was censored in a PragerU video because his subject matter contained a pro-Israel message. The fact that YouTube eventually removed the block after public outcry does not undo the pervasive problem of censorship. The PragerU suit will not be the last suit on

this issue. Unless the monopolistic social media super highways act more responsibly to allow competing viewpoints, there will be a flood of litigation and perhaps even federal regulation to address these abuses.”

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