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TECH

# PragerU Sues YouTube in Free-Speech Case

Conservative nonprofit says site is restricting its content and infringing First Amendment rights



Prager University argues in its lawsuit that Google's YouTube should be treated as a public forum. PHOTO: MICHAEL SHORT/BLOOMBERG NEWS

*By Ian Lovett and Jack Nicas*

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LOS ANGELES—Prager University, a nonprofit that produces short, educational videos from conservative perspectives, is suing YouTube and its parent company, Google, claiming the tech giant is illegally censoring some of its content as part of a wider effort to silence conservative voices.

A lawsuit filed Monday evening in federal court in San Francisco says YouTube's more than 30 million visitors a day make the site so elemental to free speech in the digital age that it should be treated as a public forum. The suit argues the site must use the "laws governing free speech," not its own discretion, to make decisions about what to censor.

The nonprofit, known as PragerU, alleges that by limiting access to some of its videos without clear criteria YouTube is infringing on PragerU's First Amendment rights.

YouTube said it didn't have immediate comment because it hadn't yet reviewed the suit. The site is owned by Google, part of Alphabet Inc. [GOOGL 1.19% ▲](#)

The suit heightens a debate over tech companies' increasing influence on public opinion and how they should police content on their sites. With the internet enabling the spread of misinformation, hate speech and foreign propaganda—especially around the 2016 U.S. election—politicians, academics and the media are increasing scrutiny on the role a handful of tech giants play in modern society.

Since last year, more than three dozen PragerU videos—on subjects including the Korean War and Israel and Palestine—have been restricted by YouTube. As a result, those who use YouTube in "restricted mode," including students at some universities and children whose parents have put parental control filters in place, are prevented from seeing the videos; all potential ad revenue from the videos is also cut off.

YouTube hasn't pulled the videos from the default version of its website or mobile app, which are how the vast majority of users access videos.

YouTube has long championed itself as an open platform for ideas and is more often criticized for its reluctance or delay in removing objectionable content. "We believe everyone should have a voice," YouTube said in a blog post in March. "Since our founding, free expression has been one of our core values."

PragerU's suit fits into more recent criticism from YouTube-video creators of the site's push to remove ads from certain videos—prompted by a backlash from advertisers.

“There's a difference between the free expression that lives on YouTube and the content that brands have told us they want to advertise against,” YouTube said in the March post.

PragerU was founded by conservative radio host Dennis Prager in 2011.

In email exchanges with PragerU, which were reviewed by The Wall Street Journal, YouTube declined to offer specific explanations about why most of the videos were restricted, saying that they “aren't appropriate for younger audiences.”

In those emails, a YouTube representative told PragerU officials that some of the videos that were censored were reviewed “manually” by humans, not solely by an automated system.

One of the videos that was initially restricted by YouTube featured Kimberley Strassel, a Wall Street Journal columnist who writes for the Journal's opinion pages. The restriction of the video was later lifted.

The lawsuit lists videos on similar subjects by other content creators—including Al Jazeera and The Daily Show—which weren't restricted, and argues that PragerU was targeted solely for its conservative views.

“Google/YouTube uses their restricted mode filtering not to protect younger or sensitive viewers from ‘inappropriate’ video content, but as a political gag mechanism to silence PragerU,” the complaint says.

The suit escalates a battle between YouTube and content creators over how much control the tech giant should exercise over what is posted on the site.

YouTube faced a firestorm earlier this year when news reports revealed the site was running ads on extremist and racist videos, causing a series of big brands to pull spending from the site.

The backlash prompted YouTube to better police content on its sites, pull more ads from “hateful, offensive and derogatory” videos and give advertisers more control over where their ads appear. Those changes include technology to automatically screen videos as well as more human reviewers to pull ads from objectionable videos.

Some advertisers still remained off the site even months after the changes.

As a result, many of YouTube's most popular video creators have complained of a drop in their ad revenues.

There are also signs that YouTube is trying to move away from the fringe content that attracts many of its viewers—but also creates headaches with advertisers. After searches on YouTube about the mass shooting this month in Las Vegas surfaced videos peddling conspiracy theories, the site said it was tweaking its search algorithm to promote more authoritative news sources.

The lawsuit alleges that the criteria YouTube uses to restrict videos is so broad that it effectively allows the company unfettered discretion, with no objective standard at all.

In addition, the suit says that the standards the company does use are being applied unfairly to PragerU.

Pete Wilson, a former governor of California who is representing PragerU in the suit, said the restrictions on the nonprofit's videos were part of a wider effort to limit conservative speech.

“Just as on many college campuses, there has been a refusal to allow conservatives to speak,” Mr. Wilson said. He added of YouTube, “They have incredible reach, and that really sets them apart from almost any other entity.”

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