

Texas' Teens Face a Social Media Ban: A New Start or a Recipe for Destructive Isolation?

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ABSTRACT: The Texas State Legislature has been dominated by the Republican Party for over a decade, with solid majorities in both houses. This has enabled it to rapidly take ideas from the so-called 'Conservative Public Sphere' and enact them into genuine policy in very short periods of time. In other words, when prominent Texas Republicans think out loud, it is not very long until many of those thoughts become law. Just this June, the conservative *Texas Public Policy Foundation* called for a 'Social Media Ban' based on its own research. According to the Foundation, teens should be totally barred from using all platforms in this sphere until they are adults due to the immense harm they pose to young people. Within a few weeks, major Texas Republicans echoed this sentiment on social platforms like Twitter, with one, Representative James Patterson, going the furthest. He has pledged in the next session to introduce a bill aimed at shutting off social media access to *all* Texas teens in 2023. (Whiting 2022). In this short paper, we will try to consider what accounts for the enormous speed of radical policymaking. Do these aims go beyond mere protection and exceed the First Amendment rights of teens? How will such a ban be enforced? What are the potential complexities and impact of such a change on the lives of Texas teens?

KEYWORDS: Adolescence, Internet, Grooming, First Amendment, Networking, Isolation, Mental Illness, Texas, Legislature, Legislation, Overreaction

Teens have long been blamed, with and without cause, for being unduly influenced by different forms of media. While the latest focus is, especially in the state of Texas, on the harmful effects of social media, during much of the mid-20th century, authorities figures such as politicians, preachers and educators blamed comic books for tempting teens into lives of crime as well as exposing them to sexualized images and themes. Sometimes these accusations turned into full-fledged policy initiatives and investigations, as were seen with the United States Congress and several state legislatures. Suffice to say, there were no bans that ultimately came into effect, and one could make the case that the cause for comic books sales was actually aided by the controversy more than not (Senate Report 1954).

The idea that the Internet is a vast source of monstrous danger, especially for minors, is one that has been in wide circulation since the 'old days' of dial-up web access in the 1990's. Perhaps one of the most dramatic examples of this was during one of the many congressional investigations of the era, when one teen witness stated that "the boogeyman is real and he lives on the Internet." Even during this earlier era, parents and other authority figures lamented the newfound access for teens to pornographic imagery, violent scenes and ultimately each other, instantly, over vast distances (House Report 2007).

By the early 2000's, the landscape had vastly transformed to one based on ubiquitous broadband connections via 4gLTE and Wi-Fi. What was once a dial-up experience from a clunky computer was now streaming like a river on a 24/7 basis on multiple devices, from PC's to laptops to tablets to smartphones. Teens became far more invested and involved in the web, and their social lives would be transformed by such platforms at Facebook, Twitter, Snapchat, Instagram, and more recently, TikTok (Pew Research 2015).

With these websites came a myriad of problems and possibilities. Students could now showcase their talents, literally model for others, and equally as important, network through related messaging apps like Facebook Messenger, WhatsApp, WeChat, Instagram Chat and Twitter DM's. By 2019, social media and direct messaging became intensely intertwined. Teens' lives at school or in other shared environments took on a non-stop existence of their own. Through such media, teens chatted, organized, studied, teleconferenced, expressed themselves, supported, courted, harassed, and persecuted each other (Pew Research 2015).

School policies towards web access, smart devices, and integration of social media have also changed rapidly over the past decade. Most schools banned smartphones when they first became common in the early 2000's, but this situation has rapidly reversed for several reasons. First, wireless networking went from a luxury to being viewed as a necessity and even a right in the pandemic era, as students could utilize their access to conduct a myriad of positive activities. And with the Covid pandemic striking in March of 2020, schools completely reversed course and went almost completely online, utilizing newer social media apps that were now partially connected or wholly funded by schools, such as *Google Meet*, *Slack* and *Microsoft Teams*. To further complicate the situation, students were literally using the same companies and websites to access school-provided material and environments as well as their own private spheres of expression and networking (Burke 2022).

Parents and schools have also long tried to censor or 'filter' web access for students depending on their age and/or the values of their family and community. To date, school districts have spent millions of dollars on software and website access to 'protect' students from explicit sexual imagery, gratuitous violence, and adult predation. For the most part, these efforts have met with limited success for several reasons, but the most damaging has been the 'dual network' problem. This being that students, while essentially 'protected' on school and official networks, can and do simultaneously provide their own LTE network access that is typically not controlled or monitored and specifically meant for adult use. Students once were only able to use their cell phones to access outside LTE networks in school and other controlled environments, but now many other devices are enabled to use LTE. Additionally, students can, much of the time, automatically make their own devices into 'tethered' broadcasting (via Wi-Fi) hubs anywhere and anytime, as long as they have paid for the data (Andrade 2021). But with increasing virtual access to each other and the 'outside world' over the past two decades have come a disturbing development: greater physical isolation. While the level of isolation varies by locale and access to capital, this is becoming a front-burning issue.

In the past, teens in America experienced a high degree of physical mobility. Until recently, driving and even car ownership were common, but with rising expenses, from the cost of a car to insurance to fuel, more and more teens are giving up on driving. And with the decline of public transportation in most American suburbs and cities, many teens see declining methods of getting around. In rural America, the issue doesn't seem to be getting any better (Klurman 2020).

Two more recent developments in particular have had a serious impact on the limitation of teen movement and physical sociability. The first is the hardening of school and similar campus settings. Due largely to the reality of mass shootings, public and private schools (along with their campuses) are doubling-down on physical access to their premises and even internal movement. Honestly, the security regime at many modern U.S. public schools resemble that of boarding an airplane or even entering a prison. Secure IDs, long entry lines, bag searches, transparent backpack requirements and interrogations have become the norm, not the exception (Boyd 2022).

Amid this anxiety-ridden and preventative-oriented atmosphere came the ultimate isolating event: The Covid Pandemic. As the virus spread like wildfire globally in February and March of 2020, schools were particularly affected as major gathering points and became

hubs for serious illness and even death. The first few months of the pandemic were particularly devastating to teens, as accurate information was difficult to come by concerning the contagion, from how it spread to its treatment to the horrendous impact it had on educators. Within the first year, thousands of teachers and administrators lost their lives, and in subsequent waves, all public spaces were largely abandoned (Maxwell 2021).

For the remainder of 2020 and since then, public and private schools, large and small, have experienced sudden and prolonged closures, and nerve-racking re-openings filled with unease. Millions of students found themselves at home, quarantined, and wholly dependent on their online connections in order to function academically and socially (Maxwell 2021).

While the pandemic has somewhat eased as of late (though with a rapidly mutating virus, and with the onset of Monkeypox, that could quickly change), most *physical* social spaces for teens have not recovered, and teens remain particularly vulnerable to extreme physical isolation. Therefore, proposals to bar teens from social media platforms and their related texting, audio and videoconferencing features remain particularly important and impactful.

Even the pre-pandemic numbers, according to several Pew research studies, testify to the enormous role the online sector plays in the social lives of American teens. As technology has become more advanced, social media has given young teens a platform to connect with others, unlike any other methods seen before. In a 2015 study, Pew learned that American adolescence had become totally and perhaps irrevocably transformed by the Web. Over half of all teens had made friends online, and from a variety of online activities from social media postings to message boards to connected group gameplay. Older teens were even more likely to socialize and make *lasting friendships* online. According to another Pew research study from 2018, “Roughly three-quarters of online group participants (74%) say [online resources] play a role in exposing them to new types of people. The same study says that “81% of teens say social media makes them feel more connected to what’s going on in their friends’ lives.” (Pew Research 2018).

But one particularly popular and vibrant method emerged as especially central: texting. Direct peer-to-peer contact has become a major feature of every social media platform, though these features vary in their security, blocking and exclusivity features. Facebook and Instagram are directly attached to Messenger, Twitter has its ‘Direct Messaging’ system, iMessage is installed on every Apple Device and WeChat has hundreds of millions of users and posters between the United States and China. In 2022, these features are now a fundamental part of these platforms and largely inseparable from them (Pew Research 2018). Even by 2015’s somewhat distant standards, the statistics were astounding. A full 79 percent of all teens used some kind of instant messaging daily, and 59 percent utilized the video chat features (Pew Research 2015).

Video game platforms are also socially connective, and Pew estimates that more than half of all teen boys have made friends and social connections with this method. Many parents, raised in the 80’s, simply do not understand the degree of connectivity in modern gaming. After all, no one ever connected with a distant acquaintance, relative or friend while playing *Asteroids* or *Pac Man* on their *Atari 2600* gaming system. Yet today’s games comprise of vast social sandboxes, linking like-minded teens who have created *entire collective worlds* and experiences on platforms like *Minecraft*, *War of Warcraft* and *Roblox* (Poisso 2010).

Teens have fueled social media on every level in America, creating thousands of new large and small companies – and hundreds of thousands of jobs – to service their wants and needs. While Facebook and Twitter remain ‘free’ to use (in exchange for the data teens create, of course, that’s later sold to advertisers), other networks demand payment for entry. Sony’s PlayStation Network, another socially-intensive online locale, has several pay tiers, as does Nintendo and Blizzard. Entire American cities and communities rely on these corporations as

sources of steady employment and consistent tax revenue. Teens also utilize online businesses like *Paypal* and *Zelle* to electronically exchange funds, and Ebay and Amazon – all which also have *social* components to them (Johnston 2021).

Social media platforms such as TikTok, YouTube, and Instagram also act as creative outlets for teens to share their interests and passions with others. Furthermore, these channels are not only a vehicle to share creativity or views, but also a space for collaborative learning for teens. One example is TikTok star Charli D’Amelio who was able to share her dancing on a social media platform with over 125 million followers created by TikTok. Another example is Muhammad Najem, otherwise known as the “Little Journalist.” Najem uses YouTube to post videos documenting the effects of chemical weapon attacks on his hometown in Syria. Without social media, Najem would not have been able to share the harrowing truth about the situation in Syria with the rest of the world.

Additionally, social media and the internet educate youth by exposing them to news and current events in local, national, and international communities. This stream of information, which would otherwise not be as easily accessible for teens, can inspire them to make an impact on their own communities. For example, Greta Thunberg, a Swedish environmental activist, utilized social media to expand the outreach of her climate change school strike, which has now become a global effort connecting millions of teens around the world who are trying to make similar impacts on their local communities. Furthermore, a majority of teens “credit social media with helping teens find different points of view (67%) or helping teens show their support for causes or issues (66%)” (Pew Research 2018).

Furthermore, the Employment statistics are nothing less than stunning. San Francisco-based Twitter has over 7500 employees, many of them engineers but also educators, public relation managers, executives and others. Blizzard, another major gaming and social network, employs over 8000 in America with most jobs paying extremely well. All of these services and business would surely be financially impacted – and perhaps even devastated – by the sudden withdrawal of *every user that constitutes a minor* (Johnston 2021).

Despite all of the facts, studies and observations presented here, the movement to ban minors from all forms of social media is active and rapidly gaining steam in Texas, a state that has long prided itself on its energy sector and technological innovation.

In June of 2022, the powerful, conservative-leaning Texas Public Policy Foundation released a report and numerous press releases calling for the ban. The Foundation based its findings on familiar grounds, those being that social media can be addictive, that it has the ability to eat away at teen self-esteem, that it can present young people with a degree of sexualization they’re not yet ready for, and that it’s a universe where teens can be preyed upon by each other, traffickers and others. Additionally, the Foundation somewhat correctly claims that social media giants, due to their algorithmic, profit-driven models, have customized their platforms to appeal to the most anti-social and destructive sides of children and adolescents (Whiting 2022).

The Foundation also used specific examples of how social media utilization amongst teens had destroyed academic careers and led to attempted and successful suicides. From the Foundation’s point of view, there was no doubt that regardless of whatever good once emerged from it, social media use now posed a kind of existential threat to the mental health and very lives of American teens. It was now the ultimate ‘boogeyman’ – again (Whiting 2022).

The Texas Public Policy Foundation is incredibly influential. Over the past five years, many of its most extreme policy papers and recommendations have rapidly found themselves not only verbally supported by Lone Star State legislators – but also enacted into law. This is especially true of abortion, which has been a target of the organization for over a decade. Texas recently adopted one of the nation’s most extreme anti-abortion laws, as well as one of the nation’s strongest collection of voter suppression regulations (Quintero and Ennis 2022).

So it came a little surprise when, within days of the Foundation's condemnation of teen use of Social Media, key Texas Republican legislators began to respond to its extreme proposition. One of these legislators was Jared Patterson, a State Representative of Texas. Patterson pledged to introduce a bill in the next session to effectively 'grant' the Foundation its ambitious 'wish.' Subsequent events would prove he was as good as his word (McCardel 2022).

By August Patterson had recruited many of his fellow Republican members of the House Homeland Security and Public Safety as well as the Youth Health and Safety committees to target the Social Media Giants. Patterson made it clear that he was holding the corporations responsible for the recent school massacre at Uvalde. According to the legislator, the massacre might have been prevented had the corporations acted on reports of other users on the violent rhetoric coming from the shooter's accounts. Regardless of this imagined timeline, Patterson never addressed the numerous other causes of the massacre, the foremost being the ease of young adults in the acquisition of lethal, semi-automatic firearms in the state (Patterson 2022).

Representatives of the corporations ignored his requests to attend an August 8 Austin hearing on the issue. While they never made it clear either to him or the press why no one showed up, Patterson continued to blame and villainize them verbally and in major press releases; one read:

"Social media is the pre-1964 cigarette. Evidence continues to point toward the damage social media use has on our youth." Rep. Patterson stated. "For years, social media platforms like Facebook, Twitter and TikTok, have refused invitations to testify. It's a slap in the face of all Texans that these platforms refuse to publicly answer questions from those elected to represent the people. However, as other committee members expressed, if you're not at the table then you're on the menu."

Patterson's combative tone reflected the extreme rhetoric of the Foundation's own reports and press releases. His comparison to the 'Pre-1964 Cigarette' was especially telling, in that he was referring to a product that, when properly used, was designed to plague consumers with sickness and ultimately death. Apparently social media use had so little positive effect on teens that it was now the ultimate enemy, justifiably to be regarded with annihilation (Patterson 2022).

As stated earlier, such rhetoric, when implemented into Texas law, frequently comes with genuine 'teeth' in the form of law enforcement activity. Texas Republicans have long been enamored with punitive measures and 'innovative' methods to invoke fear in citizens believed to be exercising anti-social behavior. The recent anti-abortion law included a strange "bounty system" in which any citizen could sue providers or anyone involved in the abortion process in order to dissuade and even terrorize anyone involved in the process – right down to the 'Uber driver' that transported a woman to a provider (Carlson 2021).

Another recent law targeting minors involved in sexual transitions included provisions that would strip parents' custodial rights away under certain circumstances. Wasting no time after the passage of this bill, Texas' Governor Abbott ordered the state's Family Services authority to investigate families with such children on the grounds of child abuse. While the investigations were ultimately paused by state courts, the chilling effect had already reverberated against the intended target: the state's large LGBTQ community. When Texas Republicans want to put teeth into a law, and get it passed, they're not afraid to begin biting. The timeline between rhetoric, report, debate, legislation and enforcement in Texas is truly a condensed one (Perez 2022).

Patterson's radical plan to ban social media will have lasting consequences on Texas teens and requires complicated workarounds and solutions. As mentioned previously, social media has become an integral part of young teens' lives. It is almost a necessity to

communicate and interact with friends and family these days. Patterson's bill would create a situation in which Texas teens face possibly harmful levels of isolation. According to the American Psychological Association, social isolation can result in negative consequences such as "depression, poor sleep quality, . . . accelerated cognitive decline, . . . and impaired immunity at every stage of life." By banning social media, teens will face the numerous effects listed above. Furthermore, questions arise about how teens are expected to socialize and interact with one another when not physically together, and services such as chatrooms are not available. Once students leave the school building they become disconnected, with the exception of online interactions. If social media is banned, how are teens expected to interact with each other when outside of school or in other organized activities? In fact, a Pew research study describes how 60% of a group of teens reported they actually interact with their friends online on a daily basis or almost every day while only 24% of the same group said they spend time with friends in person on a daily basis or almost every day. While online social situations are not completely the same as old-fashioned in-person interactions, they have become the primary method of communicating among teens and are necessary to prevent social isolation (Pew Research 2018).

In addition to limited social interactions which in turn will cause isolation and negative effects on mental health this bill could create, Patterson's bill brings up many questions about enforcement procedures and retribution. With social media being such a prevalent part of life now, how is such a major change going to be put into place? Social media includes a wide category of apps, websites, and online platforms. Many of them don't have age restrictions or at least systems that are highly comprehensive. If Patterson's bill is enacted, how is the state of Texas going to monitor the usage of all sites and apps that are considered social media? Will companies such as Instagram and TikTok be forced to create an authentication system, just for usage in the state of Texas? Will Apple and Android need to create a new age restriction system on their products? If some sort of tracking system is put in place, this bill seems to propose some form of "big brother" system that encroaches on rights provided by the Fourth Amendment, or in other words an invasion of privacy as Texas tries to monitor every child's use of technology.

With the thought that Texas is known to be a state where it is notoriously easy to be sent to jail in mind, what will the actual consequence be if a child uses social media? Will parents be held responsible for their children's activities? While Patterson is trying to implement safeguards for the well-being of Texas teens, the issue that he is trying to address is on a much larger scale than just the teens in one state. The use of social media is now a global phenomenon and requires a "global" mindset when trying to create new procedures and policies. Like a modern-day 'Sword of Damocles,' the genuine threat of the end of minor involvement in most online social interactions and platforms looms over Texas. This begs one last question: what about First Amendment and other Constitutional considerations?

When evaluating Patterson's proposal to ban social media, the past precedent and similar situations serve as benchmarks to set expectations for what is considered constitutional or not and how the general public will respond. In today's instance when teens' rights provided by the First Amendment are threatened, *Hazelwood v. Kuhlmeier* provides significant insight into how teens might react when they feel their freedom of speech will be taken away. While not identical in nature, this case most closely resembles the situation and potential implications of Patterson's bill. To quickly summarize the *Hazelwood v. Kuhlmeier* court case, the case was initiated when a school principal deleted several articles from a soon-to-be-published student newspaper that he considered to contain both offensive and non-offensive stories without telling the students and providing reasonable explanations. Hazelwood East High School students sued the St. Louis, Missouri high school district in 1983, claiming their First Amendment rights were being attacked. After several rounds of different court rulings and appeals from both parties at different court levels, ultimately in

1988, the Supreme Court ruled 5-3 in favor of the school determining that “public schools do not have to allow student speech if it is inconsistent with the school’s educational mission.” Furthermore, the Supreme Court sided with the principal’s claims that the articles were inconsistent with what the Hazelwood East High School’s board of education deemed to be the school’s “fundamental values” and the school’s mission of preparing students to be fully functioning, critical-thinking members of society (Hall 2009).

While the Supreme Court decided that Hazelwood East High School was allowed to prevent students from publishing certain content, the context of said censorship is imperative. The Supreme Court stated that in general, public schools must allow students to express their ideas unless the student’s speech goes directly against the school’s basic educational mission. The example this court decision sets is that schools can censor students if the students are publishing defaming or truly negative content, but the school can’t prevent them from sharing creative content simply because some might consider the article offensive. In today’s situation, Patterson’s bill is essentially taking away Texas teens’ freedom of speech in a similar fashion to how the Hazelwood principal wanted to get rid of content he deemed too offensive.

Conclusions

Patterson’s legislation is yet to be formally introduced, but from all information gleaned from his statements and committee hearings, we feel we can draw some reasonable suppositions. We feel his efforts paint way too broad a brush on the subject of minors, especially teens, and their online interactions. In 2022, social media covers just about every platform online, regardless of purpose or aim. From online gaming to socializing to commerce, every platform involves some degree of interaction, whether specific or anonymous. Judging from both his legislative history and that of the recent Texas Republican Party, absolute disconnection from all interactive online media may very well be the aim here.

There is the issue of enforcement. Who will ultimately be held responsible for infractions? Parents? The Platforms? The minors themselves? Will there be a graduated system of penalties, or will they be immediately draconian? Additionally, will minors be grouped as a single category or will they be placed in different classes based on age or some other feature? Which state agency will be tasked with enforcement? The Police? Texas’ already overburdened family service agencies? Or perhaps through *individual civil enforcement*, as with Texas’ current anti-abortion law?

We do not believe that, at least for middle and high school students, this idea passes constitutional muster. While it *is* true that minors’ constitutional rights can be limited, eventually these individuals will become full-fledged adult citizens. Baring minors from social media in no way prepares them for the rigorous and critical skills needed to function as an adult online in the 21st century. Any law regulating young people needs to bear this in mind, and we doubt the courts – especially on the Federal level – will simply accept a total ban. The online world does have genuine problems, and there are dangers that children face. But to cut them off from the global communications (and each other) completely is a damaging, regressive overreaction.

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