

# [***What to know about Elon Musk's 'free speech' feud with a Brazilian judge***](https://advance.lexis.com/api/document?collection=news&id=urn:contentItem:6BSD-RJ01-DYMD-62KN-00000-00&context=1516831)

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**Body**

SAO PAULO — Headline-grabbing billionaire Elon Musk is clashing with a [*Supreme Court justice*](https://apnews.com/article/jair-bolsonaro-brazil-government-af5987e833a681e6f056fe63789ca375) in Brazil over free speech, far-right accounts and misinformation on X, the social media platform Musk bought when it was Twitter.

Since his [*takeover, Musk has upended*](https://apnews.com/article/twitter-x-elon-musk-takeover-anniversary-ac2cb6419d93d64086cc9ad980c5a57a) many of Twitter's policies, [*gutted its staff*](https://apnews.com/article/elon-musk-twitter-inc-technology-misinformation-social-media-a469130efaebc8ed029a647a149c5049) and transformed what people see on the site. As its owner and perhaps most influential user, he's also used it to try to sway political discourse around the world. His latest entanglement is inside the nation of 203 million people that has the largest population and economy in South America.

The South Africa-born CEO of Tesla and SpaceX bought Twitter in 2022 and declares himself a “free speech absolutist.” To his critics, it's absolutism with a political slant. He [*reinstated previously banned accounts*](https://apnews.com/article/elon-musk-technology-donald-trump-business-misinformation-c60bc41229339eaec5008188fa6d057c) such as the conspiracy theorist Alex Jones and former U.S. President Donald Trump, as well as accounts belonging to neo-Nazis and white supremacists. Advertisers who halted spending on X in response to antisemitic and other hateful material were [*engaging in “blackmail,"*](https://apnews.com/article/elon-musk-dealbook-summit-advertisers-blackmail-f68bf51e756cce822a691b3badb2050a) Musk has alleged.

In the United States, free speech is a constitutional right that’s much more permissive than in many countries, including Brazil, where Supreme Court Justice Alexandre de Moraes [*this month ordered an investigation into Musk*](https://apnews.com/article/brazil-musk-x-supreme-court-investigation-a645757b95a66ee658832802908466ab) over the dissemination of defamatory fake news and another probe over possible obstruction, incitement and criminal organization.

**WHAT ACCOUNTS HAS BRAZIL BLOCKED?**

In Brazil, judges can order any site to remove content. Some decisions are sealed from the public.

Neither Brazilian courts nor X have disclosed the list of accounts that have been ordered to stop publishing, but prominent supporters of former President Jair Bolsonaro and far-right activists no longer appear on the platform.

Some belong to a network known as “digital militias.” They were targeted by a five-year investigation overseen by de Moraes, initially for allegedly spreading defamatory fake news and threats against Supreme Court justices, and then after Bolsonaro's 2022 loss for inciting demonstrations across the country that were pushing to overturn [*President Luiz Inácio Lula da Silva's election.*](https://apnews.com/article/jair-bolsonaro-religion-caribbean-voting-ed2130a095ca42ff1be324a3dea9f355)

**WHO IS JUSTICE DE MORAES?**

[*De Moraes is unmistakeable,*](https://apnews.com/article/jair-bolsonaro-brazil-government-af5987e833a681e6f056fe63789ca375) with his bald head, athletic build and sweeping black robe. In his escalating attacks on the judge, Musk called him “Brazil's Darth Vader.”

Whether [*investigating former President Jair Bolsonaro*](https://apnews.com/article/jair-bolsonaro-politics-caribbean-brazil-riots-59fe68319fd57367230a694dcaa823fb), banishing his far-right allies from social media, or ordering the arrest of supporters who [*stormed government buildings on Jan. 8, 2023*](https://apnews.com/article/jair-bolsonaro-politics-brasilia-united-states-government-florida-state-29fad1e6c79a5737641932c939021e62), Moraes has aggressively pursued those he views as undermining [*Brazil’s young democracy*](https://apnews.com/article/brazil-supreme-court-armed-forces-coup-bolsonaro-f37091942f14d979a91653afd7aeae0d).

Days after a mob stormed Brazil’s capital, de Moraes ordered Facebook, Twitter, Telegram, TikTok and Instagram to block the accounts of individuals accused of inciting or supporting attacks on Brazilian democratic order.

**HOW DID FREE SPEECH BECOME A CAUSE FOR BRAZIL'S FAR RIGHT?**

Brazil’s political right has long characterized de Moraes as muzzling free speech and engaging in political persecution. Lawmakers from Bolsonaro’s circle have been imprisoned and his supporters’ homes raided.

Bolsonaro himself became a target of the digital militias investigation in 2021. That was partly because he was casting unfounded doubt on Brazil's electronic voting system. That year, he also told a massive rally that he would no longer comply with de Moraes’ decisions, [*pushing Brazil to the brink of institutional crisis*](https://apnews.com/article/lifestyle-donald-trump-courts-coronavirus-pandemic-brazil-e1545240e57ecb4d2257a7ba6bc689c9).

**WHAT'S MUSK'S ROLE?**

Far-right X users have been trying to involve Musk in Brazilian ***politics*** for years, said Bruna Santos, lawyer and campaign manager at nonprofit Digital Action.

“They often tag him, asking him to take a stand on Moraes,” she said.

On Saturday, he did, republishing a post from X’s Global Government Affairs, tagging de Moraes and writing: “Why are you doing this @alexandre?”

Musk posted Saturday that reinstating the accounts — most of which apparently are blocked only in Brazil — will “probably” lead the social media platform to dry up revenue in Brazil and force the company to shutter its local office.

In his decision to investigate Musk, de Moraes accused him of waging a public “disinformation campaign” about the top court’s actions.

**IS MUSK A ‘FREE SPEECH ABSOLUTIST’?**

While Musk has railed against what he perceives as the censorship of certain viewpoints by Twitter's previous administration, he's also tried to silence critics he doesn't agree with, including [*journalists and nonprofits*](https://apnews.com/article/elon-musk-technology-business-dac21de7abb6167bb604f5317aeda10a) reporting on his companies.

Musk had accused the journalists in late 2022 of sharing private information about his whereabouts that he described as “basically assassination coordinates.” He provided no evidence for that claim, though earlier Musk decided [*to permanently ban an account*](https://apnews.com/article/elon-musk-technology-business-social-media-13119e8cc9bbc15a886369263b29087a) that automatically tracked the flights of his private jet using publicly available data.

Last month, a [*federal judge dismissed*](https://apnews.com/article/x-twitter-musk-hate-speech-lawsuit-fafa1904f5525f9ab64250e81a72d210) a lawsuit by X against the non-profit Center for Countering Digital Hate, which has documented the [*increase in hate speech*](https://apnews.com/article/elon-musk-lawsuit-cchd-twitter-x-hate-speech-extremism-434a80631f9e76833ee30387c04dd290) on the site since it was acquired by the Tesla owner.

X had argued the center’s [*researchers violated the site’s terms of service*](https://apnews.com/article/x-hate-speech-twitter-musk-lawsuit-9bde87d4c2bbb4b0e3ce3709ba7df475) by improperly compiling public tweets, and that its subsequent reports on the rise of hate speech cost X millions of dollars when advertisers fled.

But U.S. District Court Judge Charles Breyer dismissed the suit, writing in his order that it was “unabashedly and vociferously about one thing,” punishing the nonprofit for its speech.

**HOW BIG IS X IN BRAZIL?**

Brazil is a key market for X and other platforms. About 40 million Brazilians, or about 18% of the population, access X at least once per month, according to the market research group eMarketer.

Twitter closed offices and laid off employees in Brazil in 2022 after Musk bought the company. It is not clear how many employees X has in Brazil.

X’s legal representatives in Brazil, law firm Pinheiro Neto, declined to comment. X did not respond to a message for comment.

**WHAT HAPPENS NEXT?**

That depends on Musk and X’s actions. If they reinstate the accounts in Brazil, the company will face fines — at least. While fines have generally not phased Musk, experts say they could increase and X could even face suspension.

“The fines could escalate, eventually leading to the platform’s suspension. But this is always the last measure, as it harms other users in Brazil,” said Filipe Medon, a data privacy lawyer and professor at the Getulio Vargas Foundation.

Regarding Musk — a foreign citizen with a company based in the U.S. — any measures from Brazilian authorities would demand legal cooperation with U.S. authorities.

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Ortutay reported from San Francisco, California.

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This story has been corrected to reflect that free speech is a constitutional right in Brazil.

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