

The *Babylon Bee v. Lopez* Case

Case Name: *The Babylon Bee v. Lopez*

Case Status: Case filed on June 4, 2025, in the United States District Court for the District of Hawaii

Significance: Whether a state can silence and censor anyone who critiques political and public officials with digital content online.



Background: Hawaii enacted a new law, **S2687**, that imposes criminal and civil penalties for posting digital content, like memes and satirical images, that risk “harming the reputation or electoral prospects of a candidate in an election or changing the voting behavior of voters in an election.” This law will be effective from February 2, 2026, to November 3, 2026, during state elections and midterms. This law isn’t about protecting the truth. It’s about protecting politicians from criticism.

- **S2687:** Threatens jail time, fines, lawsuits, damages, injunctions, attorney’s fees, and even a ten-year disqualification from holding public office if someone posts digitally created content, like memes or satirical images, that critique candidates or influence how people vote.
- **The Babylon Bee:** ADF is representing The Babylon Bee, which publishes satirical news articles, photographs, and videos on its website, with more than 20 million viewers per month, including Hawaii viewers.
- **Dawn O’Brien:** ADF also represents a Hawaii voter who regularly posts about politics, elections, and religion on her public Instagram and Facebook accounts.

Key Points

- **S2687** could punish people for posting certain political memes online. Even simply reposting a certain political meme could mean punishment under the law.
- These vague terms are simply codewords for censorship. Freedom of expression doesn’t hinge on whether those in power get the joke.
- This law is a thinly veiled attempt to allow government officials and political opponents to sue over content they dislike or that is critical of them. It allows Hawaii officials to act as arbiters of the truth.

Key Facts

- The Babylon Bee creates satirical posts and parodies mimicking the truth for greater comic effect; their motto is “Fake news you can trust.”
- **S2687** forbids anyone from posting or reposting what it dubs “materially deceptive media” that risks harming a candidate’s “reputation.”
- Hawaii is not alone in enforcing a law like this. Europe, Asia, and even some states, including California, have enacted laws attempting to control “misinformation” online.

The Bottom Line: Hawaii’s law against political speech is censorship, plain and simple. The state made certain political memes a crime. We shouldn’t trust the government to decide what is true in our online political debates.