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T-Mobile Claims Right to Censor Text Messages

By [David Kravets](#) ✉ September 22, 2010 | 6:21 pm | Categories: [Censorship](#), [Network Neutrality](#)



T-Mobile told a federal judge Wednesday it may pick and choose which text messages to deliver on its network in a case weighing whether wireless carriers have the same “must carry” obligations as wire-line telephone providers.

The Bellevue, Washington-based wireless service is being sued by a texting service claiming T-Mobile stopped servicing its “short code” clients after it signed up a California [medical marijuana dispensary](#). In a court filing, T-Mobile said it had the right to pre-approve EZ Texting’s clientele, which it said the New York-based texting service failed to submit for approval.

[EZ Texting](#) offers a short code service, which works like this: A church could send its schedule to a cell phone user who texted “CHURCH” to 313131. Mobile phone users only receive text messages from EZ Texting’s customers upon request. Each of its clients gets their own special word.

T-Mobile, the company wrote in a [filing](#) (.pdf) in New York federal court, “has discretion to require pre-

approval for any short-code marketing campaigns run on its network, and to enforce its guidelines by terminating programs for which a content provider failed to obtain the necessary approval.”

Such approval is necessary, T-Mobile added, “to protect the carrier and its customers from potentially illegal, fraudulent, or offensive marketing campaigns conducted on its network.”

It’s the first federal case testing whether wireless providers may block text messages they don’t like.

The legal flap comes as the Federal Communications Commission has been dragging its feet over clarifying the rules for wireless carriers. The FCC was asked in 2007 to announce clear rules whether wireless carriers, unlike their wireline brethren, may ban legal content they do not support. The so-called “network neutrality” issue made huge headlines last month, when Google, along with Verizon, urged Congress [not to bind wireless carriers](#) to the same rules as wireline carriers.

EZ Texting claims [it will go out of business](#) if a judge does not promptly order T-Mobile to transmit its texts. T-Mobile accounts for 15 percent of the nation’s wireless subscribers.

A similar text-messaging flap occurred in 2007, but ended without litigation, when Verizon reversed itself and allowed an abortion-rights group to send [text messages to its supporters](#).

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Comments (11)

Posted by: Drake006 | 09/22/10 | 7:10 pm |

Mattel makes better Phones and has better coverage then T-Bagger-Mobile. TMob Sucks, period.

Posted by: Trerro | 09/22/10 | 9:44 pm |

This sounds like one of those screwed no matter what situations.

If they allow the medical pot service, they get grandstanding attorney generals breathing down their necks, Faux News running reports on how evil they are, etc. (See also: Craigslist and the perfectly legal “adult services” section) If they don’t, they’re censoring speech that shouldn’t in any way be illegal.

While I think their stance should be simply “Got a court order or clear proof they’re breaking the law? No? Then we’re letting it run.”, very, VERY few companies are willing to take that kind of stand, especially phone companies. Seriously, if I can sign up for phone company that *didn’t* bend over for Bush’s warentless wiretapping campaign, let me know, as I’d be happy to support said company with my subscription dollars.

So, in short, shame on T-Mobile, but don’t think the competition doesn’t pull the same kind of crap.

Posted by: randomguy2010 | 09/23/10 | 12:55 am |

Pst, T-Mobile, eat a bag of sweaty anus. Cheers.

Posted by: uremog | 09/23/10 | 3:20 am |

let them. but make them put it in large font at the top of any sales agreement. watch their customers drop like flies

Posted by: captkeebz | 09/23/10 | 3:44 am |

This is outrageous. Seems like American companies would know where to stand on arbitrary censorship in 2010. If I were a T-Mobile customer I would be dropping them like a hot rock.

Posted by: captkeebz | 09/23/10 | 3:46 am |

Excuse me, companies that OPERATE in America. I’m aware that they are a foreign firm.

Posted by: DKant | 09/23/10 | 4:59 am |

Their garden, their rules

Wait that sounds [familiar](#)

Posted by: DrNeroCF | 09/23/10 | 5:38 am |

Distressing, disturbing, maybe, but not at all the same as the sensationalized headline implies....

Posted by: sam | 09/23/10 | 9:13 am |

@dkant... it is odd to me too that no one cares about this kind of thing when it’s apple that’s doing it. i agree, it’s tmo’s network and they can do what they like with it. they are not a public utility.

Posted by: jadestar | 09/23/10 | 9:47 am |

T-mobile is claiming that the adds arent allowed because they werent submitted for approval. THAT is the only issue they are saying. They didnt mention that they dont like pot or dont agree with medical marijuana. Let them submit for approval and if t-mobile is stupid enough to reject it, then they dont have a leg to stand on. plain and simple.

Posted by: beta447 | 09/23/10 | 10:02 am |

T-mobile sucks. Their measly profits are no doubt tied up w/ big pharma / big prison / beer companies in some way. Censoring my text messages is a perfect way to lose my loyalty forever.



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