|  |  |  |
| --- | --- | --- |
| Extended Abstract: Free Speech and the Internet | | |
|  | Collin Bauer *College of Charleston* bauercl@g.cofc.edu |  |

Abstract – Freedom of speech is a complicated subject, and wildly varying regulation of the Internet has compounded this manifold. In many ways, the internet has been heralded as a haven for free speech and expression, but recent years have shown how it may also be used as a tool to silence others. This article takes a close look at cases where the Internet has heled amplify the voices of some individuals, while inhibiting the voices of others.

Index Terms – Freedom of speech, intellectual property, Internet, net neutrality, online platform, social media

# Introduction

The Internet has, without a doubt, played a massive role in changing human culture over the past few decades. While its beginnings were largely secret as the ARPANET, slowly it became available for use by businesses like banks, for advertisement, then for the general public to use as they please. Early on its use was considered rather innocuous, but over time it became apparent just how powerful these interconnected computers could be for widespread communication.

# Internet Legislation

## I. DMCA

Some of the earliest regulation of the Internet came when individuals started using it as a means of piracy. This came in the form of the Digital Millennium Copyright Act (DMCA) in 1998. This act implemented the treaties of the 1996 World Intellectual Property Organization and was meant to criminalize the circumvention of digital rights management software and hardware, and to heighten copyright infringement penalties on the Internet. It was not easy to enforce back then and took several years before automated tools could be developed to do so.

Automated tools are imperfect and have been coded by some companies such as YouTube to assume the copyright holder is in the right when an infringement is detected. Today, these tools are often abused by those in acting in bad faith, for money, or to silence a view they disagree with. Fair use laws exist to counteract this abuse, but legal battles are often long and fruitless.

The Google search engine keeps track of URLs it has delisted as a result of DMCA laws. As of March 23rd, 2020, an estimated 4.5 billion URLs have been affected by over 200 thousand copyright owners reporting them [1].

## II. Net Neutrality

Net neutrality is a popular idea held by internet enthusiasts. It is in many ways an antithesis to the DMCA and similar laws. Followers of net neutrality believe that Internet Service Providers (ISPs) should allow access to web content regardless of its source and without preference or discrimination. This means that providers of Internet access should not in any way be involved in the regulation of its content.

This concept has been threatened several times. In 2011, two bills were introduced in congress called the Stop Online Privacy Act (SOPA) and Protect IP Act (PIPA). Both bills were meant to greatly enhance the ability of companies to protect their intellectual property, but in effect also gave them power to censor information at will. However, public backlash eventually meant neither bill could pass.

In 2015, the Federal Commissions Communication (FCC) under the Obama administration passed the Open Internet Order, which would calcify net neutrality by classifying Internet access as a Title II, common carrier service, like telephones. However, in 2017, under a new administration in the Trump office, would repeal this legislation and reclassify it as a Title I, information service, like cable television. Large public outcry followed, with protests in several major cities, as well as mass protests by various widely visited websites, like Wikipedia, on the so-called “Day of Action to Save Net Neutrality” [2].

# Censorship by Online Platforms

While freedom of speech is a right afforded to citizens of the United States and many other free countries across the globe, this right is not extended by privately-owned companies and corporations. The following case studies show this misconception in the context of the Internet.

## I. Alex Jones

On December 14th, 2012, Sandy Hook Elementary School was attacked by 20-year-old Adam Lanza, who shot and killed 28 people, including 20 children attending the school [3]. Lanza’s extreme actions led to a large rally by guns right activists, which was unpopular in conservative circles.

Alex Jones, a alt-right personality and conspiracy theorist has been cited multiple times on his show *InfoWars* as calling the Sandy Hook shooting a hoax. He was sued on April 17th, 2018, by three parents of the deceased [4]. Jones lost this lawsuit in December of 2019 [5].

This lawsuit, and the various actions by Jones, brought him to public attention. Many companies, including *YouTube*, *Facebook*, *Twitter* and *Apple*, removed *InfoWars* from their online platforms in late 2018 [6]. This removal sparked the ire of many Republican lawmakers including the president, Donald Trump.

## I. Alternative Facts

Unfortunately I ran out of time to finish this, but most of this information may be found in my speaking notes. I will include these in the upload as a separate document.

# References

### [1] *Google Transparency Report*. [Online]. Available: https://transparencyreport.google.com/copyright/overview. [Accessed: 23-Mar-2020].

### [2] “The FCC wants to destroy net neutrality and give giant cable companies control over the Internet,” *Battle For The Net*. [Online]. Available: https://www.battleforthenet.com/july12/. [Accessed: 23-Mar-2020].

### [3] S. Vogel, S. Horwitz, and D. A. Fahrenthold, “Sandy Hook Elementary shooting leaves 28 dead, law enforcement sources say,” *The Washington Post*, 14-Dec-2012. [Online]. Available: https://www.washingtonpost.com/politics/sandy-hook-elementary-school-shooting-leaves-students-staff-dead/2012/12/14/24334570-461e-11e2-8e70-e1993528222d\_story.html. [Accessed: 23-Mar-2020].

### [4] M. Haag, “Sandy Hook Parents Sue Alex Jones for Defamation,” *The New York Times*, 17-Apr-2018. [Online]. Available: https://www.nytimes.com/2018/04/17/business/media/alex-jones-sandy-hook.html. [Accessed: 23-Mar-2020].

### [5] W. Sommer, “Alex Jones and Infowars Ordered to Pay $100K in Court Costs for Sandy Hook Case,” *The Daily Beast*, 31-Dec-2019. [Online]. Available: https://www.thedailybeast.com/alex-jones-and-infowars-ordered-to-pay-dollar100k-in-court-costs-for-sandy-hook-case/. [Accessed: 23-Mar-2020].

### [6] J. Coaston, “YouTube, Facebook, and Apple's ban on Alex Jones, explained,” *Vox*, 06-Aug-2018. [Online]. Available: https://www.vox.com/2018/8/6/17655658/alex-jones-facebook-youtube-conspiracy-theories. [Accessed: 23-Mar-2020].

### [7] B. Weiss, “A Russian troll factory had a $1.25 million monthly budget to interfere in the 2016 US election,” *Business Insider*, 16-Feb-2018. [Online]. Available: https://www.businessinsider.com/russian-troll-farm-spent-millions-on-election-interference-2018-2. [Accessed: 23-Mar-2020].

[8] A. Turner, “Robert Mueller's report is finally finished. This is what we know about his probe so far,” *CNBC*, 22-Mar-2019. [Online]. Available: https://www.cnbc.com/2019/03/22/what-we-know-about-special-counsel-muellers-russia-probe-so-far.html. [Accessed: 23-Mar-2020].

[9] “The Hong Kong protests explained in 100 and 500 words,” *BBC News*, 28-Nov-2019. [Online]. Available: https://www.bbc.com/news/world-asia-china-49317695. [Accessed: 23-Mar-2020].

[10] “'Blitzchung' suspended by Activision Blizzard over Hong Kong support,” *Fox Business*, 09-Oct-2019. [Online]. Available: https://youtu.be/7\_r7CV7WXf8. [Accessed: 23-Mar-2020].