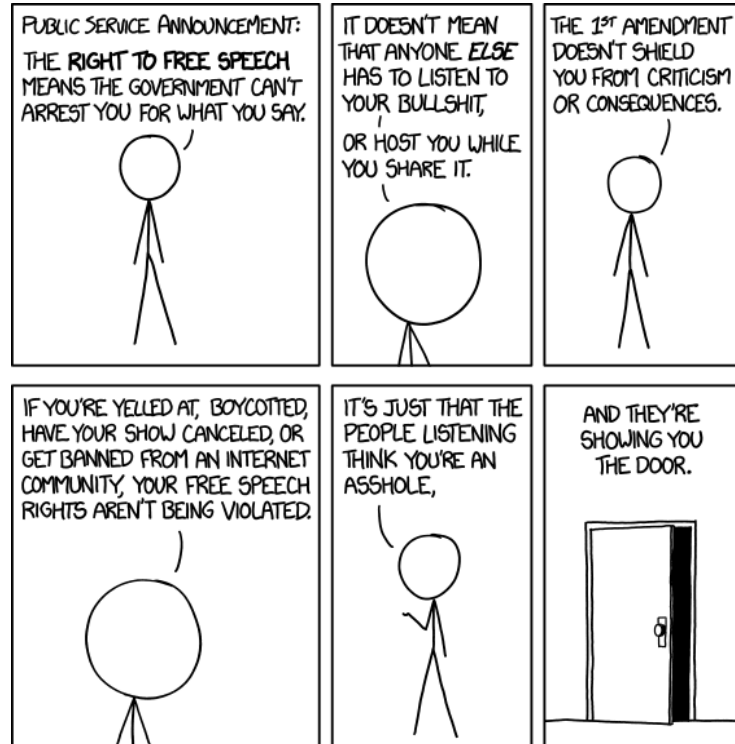


# Monday 7/18 - Speech...and where things get messy



Important link with more important links:

Announcements:

In the News:

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Agenda:

- Where are we going this week?
- Some scenarios
- Sex offenders online?
- 🦖💣🔥👹

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## Questions or Things to Share?

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## SOME SCENARIOS

**Scenario 1** - No one can publish a spotify podcast series without prior approval from the ministry of culture

**Scenario 2** - The government says that you cannot give “libertarian” speeches in front of the

**Scenario 3** - The government says you may not distribute campaigning materials within 200 yards of a polling place during voting times.

**Scenario 4** - You can be arrested for yelling “FIRE” in a crowded theater

Write down you name below and for each one of the scenarios, indicate if it is constitutional or unconstitutional.

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## SEX OFFENDERS ONLINE?

A North Carolina law makes it a felony for a registered sex offender “to access a commercial social networking Web site where the sex offender knows that the site permits minor children to become members or to create or maintain personal Web pages.”.

Discuss the following in your groups:

- (1) What is your perspective? Should registered sex offenders be allowed to use commerical social networking sites? Why or why not?
  - (2) Is this **state** law unconstitutional in that it violates sex offenders’ first amendment right?
  - (3) In what ways might this **state** law be overly broad? Can you see any potential unintentional consequences of banning sex offenders from all commerical social networking sites?
  - (4) What is one way that you could re-write the **state** law to make it less likely to violate the first amendment?
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A sheriff was running against another candidate for re-election. Some of the current sheriff's employees “liked” the other candidate’s campaign Facebook page. The other candidate lost and the current sheriff fired several employees, some of whom had “liked” the other candidate’s page.

Discuss the following with your group:

- (1) Do you think the employees' first amendment rights were unfairly violated in light of their firing?
  - (2) Does liking a Facebook post constitute speech? If so, how? If not, what does "liking" a Facebook post equate to?
  - (3) If you got a message where someone you didn't know anything about sent you a series of 🍷 emojis, would you interpret that as a threat? Why or why not?
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## Gotcha Serial Number!!

Back when Blu-Ray players were a thing, in order to watch the DVD you had to have a Blu-ray disc reader that could de-encrypt the blue-ray disc. An individual figured out the serial code used in the Blu-ray player and posted it to their online forum where other film enthusiasts connected with each other & shared info. Of course, everyone loved being able to de-encrypt Blu-ray discs without the player and began sharing the serial number. The agency that controls Blu-ray players filed a lawsuit against the online forum alleging violation of the copyright act.

Write down your name and answer the following:

- (1) Is the forum liable for facilitating copyright violations?
  - (2) When posts began to get taken down, users simply came up with covert ways to distribute the serial number. If you were advising the agency that controls Blu-ray players, what advice would you suggest to prevent this?
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## SWATTING

"In 2017, a man identifying himself as "Brian" called Wichita police and claimed to be holding his family hostage. Officers who responded to the address he gave shot and killed the man who came to the door. But "Brian" was actually a prolific swatter named Tyler Barriss, who lived in Los Angeles and had been recruited online by a Call of Duty player who wanted revenge on another player over a \$1.50 wager. Barris pleaded guilty to making a false report resulting in death, see 18 U.S.C. § 1038(a)(1)(C), among other counts."

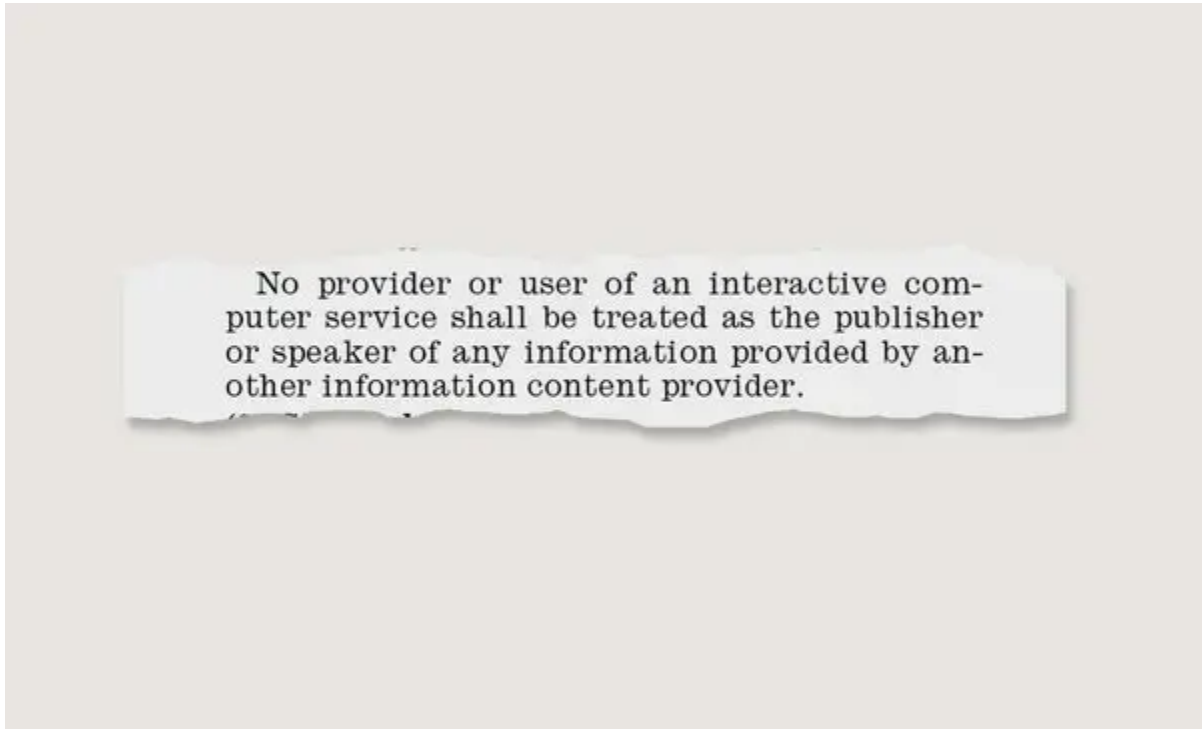
Discuss with your group:

- (1) Is there a reason why swatting has become dramatically more common in the Internet age?
- (2) How do you think individuals should be held liable for their speech online when it has real life consequences? What role should the platform play? What role should the government play?

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## READING/WATCHING FOR TONIGHT

### Tuesday 7/19 - Regulation Shmegulation



No provider or user of an interactive computer service shall be treated as the publisher or speaker of any information provided by another information content provider.

#### Announcements:

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#### In the News:

#### Agenda:

- Anything goes in cyberspace!!! (Not)
- Regulate me!
- Code is Law
- A Sword and a Sheild

#### Additional Resources

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## Individual Reflection

In the Lessig reading last night you read about how Robert Moses, a civil engineering architect in NYC, designed bridges that prevented city buses from accessing public beaches. What do you think might be a more recent example of this kind of deliberate design to constrain behavior or embed a value?

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### REGULATE ME! (VROOM VROOM EDITION)

You run the department of vehicles and you've been trying to reduce the number of car crashes that occur due to reckless driving. How would you use the four tools (norms, laws, architecture, and the market) to regulate the technology of *cars* to reduce the number of crashes? Discuss your strategy with your group.

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### REGULATE ME!! (BEEP BEEP BOOP EDITION)

You work for your favorite social media platform and you want to get people to stop posting "how to make bombs" guides on your site. How would you use the four tools (norms, laws, architecture, and the market) to regulate speech on your platform? Discuss your strategy with your group.

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## Section 230 - What is it?

### (c) Protection for "Good Samaritan" blocking and screening of offensive material

#### (1) Treatment of publisher or speaker

No provider or user of an interactive computer service shall be treated as the publisher or speaker of any information provided by another information content provider.

#### (2) Civil liability

No provider or user of an interactive computer service shall be held liable on account of—

- (A) any action voluntarily taken in good faith to restrict access to or availability of material that the provider or user considers to be obscene, lewd, lascivious, filthy, excessively violent, harassing, or otherwise objectionable, whether or not such material is constitutionally protected; or

- (B) any action taken to enable or make available to information content providers or others the technical means to restrict access to material described in paragraph (1).[1]

Basically: Platforms have the **right** but not the responsibility to moderate content on their platform.

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## IMMUNITY AS A SUBSIDY

Many have argued that Section 230 was critical during the early days of the Internet because it protected entrepreneurs from legal action as they were just starting to build ventures on the Internet; think of how hard it would have been for Facebook to make any headway if they were constantly facing lawsuits. **How does the immunity offered to platforms act as an economic subsidy? In today's ecosystem of platforms is this subsidy still necessary?**

Write your name and answer below:

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## NAUGHTY OKLAHOMA T-SHIRTS

On April 25th, 1995 an anonymous account in AOL made a post about "Naughty Oklahoma T-shirts" for sale that featured offensive slogans about the recent Oklahoma city bombing. The post listed a phone number for "Ken" and said to call the number to order a shirt. The phone number for Ken actually belonged to another AOL user, Zeran. Of course, Zeran was bombarded by hateful calls because the t-shirts were offensive and people were pissed. Zeran contacted AOL and a representative said the post would be taken down. However, the next day, another anonymous account posted the same message and this time said to keep calling the number and stay on the line if it was busy because there was such a strong demand.

Zeran couldn't change his phone number because he ran a small business from his home and relied on people being able to reach him at that number. A local Oklahoma radio station heard about the posts and made a broadcast statement urging listeners to call "Ken" and leave him disapproving voicemails. Ken/Zeran started receiving death threats and had to have police protection. Ken/Zeran filed suit against AOL on April 23rd, 1996.

Discuss the following with your group:

- (1) Should AOL be held responsible for what happened to Zeran?
- (2) Did AOL exhibit negligence in its failure to protect Zeran from death threats even after Zeran notified them of the defamatory content?
- (3) If AOL was treated as a traditional publisher, how would it have to change the way it did business? What about YouTube where users upload hundreds of videos a day?

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## HEY! NO FAIR!

Imagine that some doctored pictures of you in a compromising situation started being posted on Facebook by an anonymous account. You reach out to Facebook and notify them and Facebook says they'll take down the post. However, posts keep popping up and eventually you lose your job because your employer sees them. Your family starts to isolate you because they're horrified by the pictures and now you have no job even though you've been pleading with Facebook to take down the posts. You want to sue Facebook for emotional & financial damages but you know that under Section 230, Facebook is immune from lawsuit.

Given this situation: (1) What would you do? (2) How would you feel about the immunity granted to Facebook by Section 230? And (3) Does your perspective on the argument that Section 230 provides platforms with vital entrepreneurial freedom change?

Discuss with your group.

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## A FINAL QUESTION

Do you think that Section 230 should be preserved as it is written in law or does it need updating? If so, how should it be updated? Write your name and answers below.

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## READING/WATCHING FOR TONIGHT

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## REFLECTION (end-of-class)

Please take a moment to leave a note about something interesting you thought about or learned in class today and/or questions that the class raised for you. (Please include your name by default, but you are also welcome to include an anonymous note.)

## Wednesday 7/20 - Moderation is a Messy B\*tch



### Announcements:

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### In the News:

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### Agenda:

- True or False
- What does moderation looks like?
- Check out some rules
- DIY
- Well this is hard
- Remove or Filter?

### Additional Resources

#### Songs of the day

- Stupid fish - Cherry Glazerr
- Forget me nots - Patrice Rushen
- Shake back - Kodak Black
- Forever and more - Jaguar Sun



- Keep - Rum Jungle
- Rapstar- Polo G
- Bad Habits - Steve Lacy

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## INDIVIDUAL REFLECTION

True or False: All platforms moderate content

Yes or No: All platforms should engage in some level of content moderation

**Write your name and response to the two prompts above**

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## WHAT'S IT TO YA?

Discuss with your group what moderation looks like. What types of actions would you say count as moderation?

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## WHAT ARE THE RULES?

Have a look at the content policy of the platform that your group picks. What are your thoughts about the kind of speech/content that is not allowed? Is it justifiable? Does it seem fair? Do you think they can distinguish what breaks the rules and what doesn't? Would you even know if you are breaking the rules or not? Are there rules that you would expect to see but don't? Other thoughts?

### TWITTER

<https://help.twitter.com/en/rules-and-policies/twitter-rules>

### INSTAGRAM

<https://www.facebook.com/help/instagram/477434105621119>

### REDDIT

<https://www.redditinc.com/policies/content-policy>

### TIKTOK

<https://www.tiktok.com/community-guidelines?lang=en>

### YOUTUBE

<https://www.youtube.com/howyoutubeworks/policies/community-guidelines/>

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## **DIY**

Let's say you've created a new successful social media platform. Your user base is growing (>1000 now, and international users are joining) and so is the amount of content. You make money through selling ad space to advertisers who want to access your users. You have to decide whether or not you're going to start enforcing a set of content moderation rules and if so, how.

Would you start enforcing a set of content moderation rules? Why or why not? What would be the five most important rules and how would you enforce them?

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## **YOUR TOOLBOX**

Around 2010, Facebook became involved in a controversy with breastfeeding moms. Facebook was taking down images of moms breastfeeding if the nipple was visible in the photo. Understandably, this made moms angry because they wanted to share a part of the child rearing experience online and breastfeeding can be a part of that experience. Facebook used a combination of tools to moderate these images, AI/ML models to recognize pixel patterns, community self-moderation through flagging, and manual human moderation. All three types of moderation failed in this instance.

Discuss with your group how you would have utilized the three tools (AI/ML models, community self-moderation, and manual human moderators) Facebook had available to avoid the controversy that emerged from the removal of these breastfeeding images.

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## **REMOVE OR FILTER?**

We are left with the question of "what now?"; How should we move forward in the content moderation space to foster online environments that meet users needs and desires? Two primary options are available: removal and filtering. By removing content, platforms act as ultimate source of authority. There is finality when content is removed; no one can see it anymore. By filtering content, platforms preserve the material but simply prevent some users from seeing it. In a way, this ability to filter is a more insidious manifestation of power because it is not as dichotomous as simply removing or allowing content to remain; it creates uncertainty for users at large as they can no longer compare what they see with what others see.

What do you think? Should platforms remove or filter content? What are the pros and cons to the approach you chose? Write your name and reflection below

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## READING/WATCHING FOR TONIGHT

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### REFLECTION (end-of-class)

Please take a moment to leave a note about something interesting you thought about or learned in class today and/or questions that the class raised for you. (Please include your name by default, but you are also welcome to include an anonymous note.)

## Thursday 7/21 - Home Assistance Devices

### Announcements:

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### In the News:

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### Agenda:

### Additional Resources

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## READING/WATCHING FOR TONIGHT

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