

To: Professor Cheney

From: Joshua Morton , Cyber Law CYSE406, 01218176

Subject: First Amendment Questions and the Digital World

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1. Information is extremely important to me, in an era prominently defined by the internet a world changing open source of information I find information to be an influential part of how I personally perceive the world. I was born and raised in the age of the internet and have been fed information throughout my whole life; be it movies, news coverage, YouTube videos, or even social media posts and, although I don't want to admit it, the internet and its distribution of said information has become the main source of how I perceive the world and society. With my feelings towards information in mind I would say it is of the utmost importance to me to find accurate sources of information to help base my knowledge and arguments towards life and society. I am a very political person and social media has been a major part of why I have become involved in politics but I understand that social media is the hotbed of political information from a varied series of ideologies and so I found that it cannot be my primary source of information when forming my opinions, though I believe social media to be the stepping stone for further research. When I want to be informed on world events I either see what people are saying or stumble across the event on social media to give myself a quick understanding of the material. Next I would try to discern what exactly the meaning of highlighting this material might be by looking through the rhetoric put forward by the account and eventually analyze how I would feel about how it's presented. When trying to find news I want an unbiased view of material, and I understand in our polarized political climate that isn't really possible so reading material from both sides of the spectrum and making my opinion there is how I absorb information. I found a website known as Ground News to be extremely helpful in doing this because it takes articles and postings around the internet and rates them on how each side of the spectrum is covering it. If a right news agency like Fox News covers something more, I would see it on ground news and understand what the meaning behind them covering it might be and from there form my opinion. I believe I am pretty well informed on current events, though I say I'm not perfect as all people are, and do fall for misinformation sometimes which I have thought about recently and want to rectify. Honestly, I take all information I absorb with a grain of salt and really when speaking on sources I really trust academic articles and journals over things like forum posts and blogs, in terms of the news I don't really trust all news because I understand all news has bias, instead I create a mindset of understanding both sides of politics and understanding that news agencies put forward rhetoric and it's up to me to research further and come to my own conclusion. To me, it's all in the mindset.

2. In the United States, I believe that the constitution is definitely the rule of law, it's not a perfect set of rules but that's why we have things like the judicial courts to help solve problems within the constitution. I believe wholeheartedly in the importance of the Supreme Court and local courts around the country, political ramifications of appointing justices and political polarization aside, I find that rulings can help us determine what is protected under the first amendment and what is detrimental to American Society. In the modules I found the oral argument made in *TikTok, Inc. v. Garland* to be interesting because they bring up the Protecting Americans from Foreign Adversary Controlled Applications Act as evidence for the rightful shutdown of TikTok, citing it as "a significant threat to the national security of the United States" due to its association with ByteDance, a Chinese company. I bring this example up as a highlight of how discussing the right to free speech must be debated through trial and analyzation of the constitution. An exemption to this however which is possible is the use of the Sedition Act of 1798 and 1918 in which it is a crime to criticize the government or war effort during a time of war meaning the United States government has a right to argue for the removal of material if argued that it could be harmful for national security.

3. As I have said previously I believe that social media companies and news companies have a obligation and duty to moderate the material posted on their sites and misinformation is a part of that. Legally, according to Section 230 of the Communications Act of 1934; First, Section 230(c)(1) specifies that service providers and users may not “be treated as the publisher or speaker of any information provided by another information content provider.” In *Zeran v. America Online, Inc.*, an influential case interpreting this provision, a federal appeals court said that Section 230(c)(1) bars “lawsuits seeking to hold a service provider liable for its exercise of a publisher’s traditional editorial functions—such as deciding whether to publish, withdraw, postpone or alter content.” Second, Section 230(c)(2) states that service providers and users may not be held liable for voluntarily acting in good faith to restrict access to “obscene, lewd, lascivious, filthy, excessively violent, harassing, or otherwise objectionable” material. " This is important because it means the private sector has the right to take down material they see as unfit for their platform which is determined by the company itself, a somewhat recent example of this would be Twitter's ban of Donald Trump after January 6th, citing misinformation and inciting violence.

4. A college guest interruption that I remember pretty well was the invitation of the conservative commentator Tomi Lahren by the University of New Mexico's Turning Point USA chapter in 2022. Her appearance on the UNM campus was protested by over 100 students and ended with some protestors being inside of the building with Lahren as she entered and spoke and eventually some students began banging on the walls of the convention room and at one point a fire alarm was pulled which led to chaos amongst both sides of the protest eventually leading to Lahren leaving and condemning the protestors. Interestingly enough the President of UNM stated they would both investigate students accused of vandalism but also they would be investigating

claims of UNM TPUSA rejecting students not of their chapter to which those rejected cited racial discrimination as the main cause. In the end UNM hadn't suspended or expelled any of the students involved which is something I find somewhat concerning on both sides of the investigation. I believe in a right to protest as it is absolutely the right of the students but vandalism of a educational institution is arguably a serious crime especially when it could have used campus resources in the case of the fire alarm being pulled I also believe TPUSA should have been reprimanded for forcing dissenting students to leave or not allowing them in purely based on their "vibe" and how they would act during the speech because again, I believe through the first amendment they have a right to attend, and Lahren had a right to speak on campus.

5. As much as I have a cynical outlook on information and media shared on the internet I do think it has been a good thing for discourse in America, if not it presents a "double edge sword" phenomena. I believe the internet has opened the floodgates for learning about new information and helps people become more involved in their own beliefs both apolitically and politically. I do find the floodgates to also rush a flow of misinformation which I believe can be remedied by intense discussion over the constitution and a change in personal mindset towards how information works in the internet age. For example, in a previous discussion post we spoke about Julian Assange and the WikiLeak leak of the July 12th 2007 Baghdad airstrike, which proved to be a warcrime, I think the fact the internet was used to leak and bring light to, what I see as an atrocity, and allow for discussion towards the government is a great example of how the internet has strengthened public discourse allowing for people to openly speak on the government in a weird check and balance system in which the public was not given the opportunity to hold the Army accountable for their actions.

Citations:

About Us. Ground News. (n.d.). <https://ground.news/about>

Knox, L. (n.d.). Student Protesters Disrupt Controversial speaker at UNM. Inside Higher Ed | Higher Education News, Events and Jobs.  
<https://www.insidehighered.com/news/2022/09/20/student-protesters-disrupt-controversial-speaker-unm>

Oral Argument - Audio File. Home - Supreme Court of the United States. (n.d.).  
[https://www.supremecourt.gov/oral\\_arguments/audio/2024/24-656](https://www.supremecourt.gov/oral_arguments/audio/2024/24-656)

Section 230: An Overview. CRS Report. (2024).