

To: Professor Mann

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Subject: First Amendment Questions and the Digital World

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1. Consider your own circumstances as a citizen (presume you are a citizen even if you are not) protected by First Amendment freedoms. What primary sources and means do you use to access, gather, and share/communicate information, ideas and opinions? Be honest and specific, and be sure to include any online sources. Do you believe you are well-informed about current events and issues? Why or why not? Identify some sources you trust, and don't trust, and why. (Please note that I don't care where you lie in the political spectrum, but I do care about well-informed, clear writing.)

As an American citizen protected by First Amendment rights, my primary means of accessing, gathering, and sharing/communicating information, personal ideas, and opinions comes majority by means of the internet and social media. I don't believe that I am as informed on current events and issues as I could be. Often, I hear people in the office speaking on current events or things they have recently seen on the news, and I am unable to share my opinion because I'm simply unaware. If I don't see it on Apple News, Google Homepage, or find it on my social media timeline, I am out of the loop.

When it comes to sources that I trust, there aren't many. I feel like often major news organizations utilize propaganda and entities are biased and overly opinionated. With that being said, any news that I do come across, I always fact check and research then form my own opinions and thoughts. There isn't a specific entity that I trust or distrust above all others.

2. What roles can and should governments and government institutions in the U.S. play in the removal or restriction of content involving misleading, hateful speech/information, especially in the digital world? Give specific examples and cite sources in the body of the memo.

"The First Amendment protects individuals from government censorship. Social media platforms are private companies and can censor what people post on their websites as they see fit. (Nott and Peters, 2023)"

The government doesn't necessarily play a role in the removal or restriction of content involving misleading, hateful speech/information in the digital world unless it incites imminent crime or obscene nudity and pornography. It is a violation of the First

Amendment otherwise for government removal/censorship. Government officials or entities may have pages on platforms and block or restrict content or users, but that too runs into First Amendment violations.

If government was to play a role, I personally think that it should be setting ground rules for the internet and social media terms/services. By perhaps creating a standard or framework for all social media platforms to comply with, it could take away a lot of confusion and gray areas from site to site.

3. What roles can and should the private sector, especially social media platforms such as Facebook or X, play in the removal or restriction of content involving misleading, hateful information in their platform? Give specific examples and cite sources.

“Nevertheless, social media companies are private entities, and according to current Supreme Court precedent, social media companies have agency to decide what expression is permitted on their websites. As explained by the Supreme Court in *Manhattan Community Access Corp. v. Halleck* (2019), “the Free Speech Clause prohibits only governmental abridgment of speech. The Free Speech Clause does not prohibit private abridgment of speech. (University of Wisconsin-Milwaukee, 2022)”

According to an article from FreedomForum.org this year, social media violations with speech include Hate Speech, Misinformation, Obscenity, and Harassment. Each platform differs with their exact terms and service, but these are the four basis for content removal and restriction.

4. There are many examples of university students who have shouted down university-invited guest speakers with whom they disagree. Find a published example and summarize what happened (cite your source). Do you believe this was an appropriate response? Why or why not? Consider pros, cons, and potential First Amendment concerns.

In the Inside Higher Ed article, “Another Disruption Reignites Campus Speech Debate”, it is talked about how students at the University of New Mexico shouted out and disrupted a speech/event headlining Tomi Lahren. Lahren is a very well-known right-wing personality and has a history of making controversial statements. Also in the article, students who purchased tickets to the event were denied entry if they didn’t seem to “look normal (right wing). Mostly minorities were targeted according to those who gave account.

While I can’t say that I believe the students’ response was appropriate, I can see why they would protest. According to the article, majority of the school is minority and Lahren has made very offensive statements and viewpoints towards minorities, but the reality is, people will always have opinions that may go against our culture, views, or livelihood.

No matter what action we take, the fact will remain. There is possibly three violations of First Amendment rights here. The first being students taking away Tomi Lahren's right to free speech, second authorities stopping protest, and lastly, minorities being denied entry to a ticketed event even they purchased tickets for.

5. Overall, do you believe the internet and technological developments described in the background section (and perhaps within your own answers to these questions) strengthen or weaken public discourse and democratic processes? Provide some justification.

Overall, I feel like the internet and technological developments described in the background section strengthen public discourse and democratic process. The use of social media and limited restriction to speech has given the everyday consumer the platform to elevate from consumer to producer of information or viewpoints on a large scale. To be able to speak freely, share and discuss ideas, even those opposing the government or disagreeing with the government, and the ability to promote your opinions are at the very core of democracy and freedom within our country. The ability for others to share, comment, and form their ideas from information shared by others greatly increases public discourse amongst society on a global scale. With X, formerly known as Twitter, Facebook, and Instagram, a post may originate in England and make its way to India, Russia, and Africa with a million different responses, comments, and views far in between, in addition, it may even spark run-off content that does the same and that snowballs into a never ending loop.

References

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"What First Amendment Protections Exist for Speech on Social Media?" Free Speech, Rights and Responsibilities, University of Wisconsin-Milwaukee, 14 Mar. 2022, uwm.edu/free-speech-rights-responsibilities/faqs/what-first-amendment-protections-exist-for-speech-on-social-media/.