

Title: **Crowdsourcing Oppression: America's Online Censorship Militia**  
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## *Crowdsourcing Oppression: America's Online Censorship Militia*

The United States is, increasingly, a country in which free speech exists only in the most limited, legalistic sense. First Amendment jurisprudence still makes it very difficult for the U.S. government to directly punish speech and expression under most circumstances. In that regard, Americans are better off than their counterparts in Britain, Canada, and many other places where speech laws often are aggressively used to punish “thought criminals” who express themselves in an unapproved manner.

For instance, recently a trollish Scot, known online as Count Dankula, was criminally prosecuted for social media antics such as training his girlfriend’s pug to do a “Nazi salute.” His speech was found to be grossly offensive under a 2003 British statute; he was fined a sum equivalent to about \$1,100, but could have been imprisoned. (Whether a country which can imprison people for tasteless jokes should be considered free is an intriguing philosophical question.)

The First Amendment, however, only protects citizens from this sort of direct government punishment for speech. It does not constrain the political hoodlums who have formed an enormous, but informal, Online Censorship Militia (OCM), which punishes speech by swarming around and publicly shaming targets of opportunity.

The OCM’s membership constantly hunt for statements that, in their view, are racist, sexist, or just vaguely offensive, and alert their fellow censors. If these complaints go viral, the national media promotes the story, increasing pressure on the target’s

employers, friends, and associates. When the OCM’s efforts work as intended, targets lose their reputations and livelihoods. Once targets have been publicly identified as thought criminals, anyone subsequently daring to employ them is subject to boycott and shaming.

Additionally, onetime friends and colleagues, fearful of guilt by association (a favorite OCM tactic), often rush to denounce and distance themselves from the target. For example, comedian Norm McDonald recently learned the punishment for personal loyalty, as the OCM worked furiously to destroy his career. His chief offense was expressing sympathy for his friends Louis C.K. and Rosanne Barr. In the OCM’s Orwellian reckoning, even compassion for a friend constitutes a thought crime, if that individual is an “enemy of the people.”

These activists comprise a militia in the worst sense of that word. A virtuous militia is made up of members of a community who defend the rights, property, and liberties of all community members from external threats. However, militias always are potentially dangerous because they can become lawless private armies that oppress the entire community, using implicit and/or explicit threats to demand obedience. The OCM is informal and non-governmental; thus, its members may freely vilify whomever they like, as the First Amendment (rightly) requires governmental tolerance of intolerant speech.

The OCM has become enormously powerful, all the more so because many politicians and national journalists serve as de facto “militia commanders.” When they become aware of (or personally

generate) a controversy, they use their fame to amplify calls for the target’s destruction. Thus, officeholders sworn to uphold the Constitution and journalists who claim to treasure free speech endeavor to make the First Amendment irrelevant. While proclaiming love of freedom, they simultaneously struggle to keep their fellow citizens in eternal fear of the OCM.

There is no easy answer to this ongoing attack on liberty, but recognizing how the OCM functions—and that its power has massively eroded the freedom of speech in America as it is practiced day-to-day—is a first step. The OCM is not a necessary counter to online bigotry, but a menace against which the Bill of Rights offers no useful protection. Americans live at the mercy of self-appointed censors who use ominous clichés (“the First Amendment doesn’t guarantee freedom from consequences for speech”) to obscure the fact that they want to decide what people may think and say, now and forevermore. And they seek to crush those who decline to obey them.

The OCM’s members seek the power that comes from poking bayonets at the backs of their fellow citizens, but lack the self-awareness and candor to admit it. The OCM is an exquisite tool for socio-political bullies who lack the honesty even to acknowledge their abhorrence for truly free discussion and debate.

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