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Breaking News: Offensive and Untrue Material Discovered on Internet!

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Last night I had the honor of being featured on [CBS Evening News](#) to talk about [JuicyCampus.com](#), a site designed to allow students from colleges across the country to anonymously gossip about each other. To the shock of no one, the site is therefore replete with sophomoric comments; rude, lewd speech; and nasty, puerile insults. In response, several campuses across the country have blocked or are [considering blocking the website](#), the New Jersey Attorney General is [currently investigating](#) the site, and the combination of free speech, sex, and college students has turned the story into [media gold](#).

Here's what I told *CBS Evening News*:

While the content of JuicyCampus is juvenile and crude, it is mostly protected under the First Amendment. Thankfully for everyone from Bill Maher to Samantha Power to Dick Cheney, the Supreme Court has long recognized that even rude speech is free speech. Simply put, you don't want courts -- or colleges -- policing the internet for "offensive material." It is not only unwise to try to cleanse the web of objectionable material, frankly, it is impossible.

Furthermore, campuses should not get in the habit of blocking websites. Blocks are easy to circumvent--but more importantly, colleges and universities have a special obligation as "marketplaces of ideas" to avoid censorship. Any attempt to prevent students from seeing content they abhor online opens the door to censoring merely uncomfortable speech or dissent. Besides, couldn't one imagine a student or faculty member wishing to study the site? It is a regular Petri dish of sociological, legal, ethical, and psychosocial issues.

Also, colleges should not get in the business of adjudicating libel. Courts have a hard enough time with that and campus judiciaries are not known for being good with subtleties. (For proof, check out the recent incidents at [Brandeis](#) and a university in Indiana where a student employee was [found guilty](#) of racial harassment for reading a book.)

However, what makes JuicyCampus.com uniquely meaty discussion for First Amendment geeks like me is that it is actually more complicated than the usual "It's protected speech, end of story." That's because a portion of the content on JuicyCampus is unprotected. As *The New York Times* [reported](#), there have been several incidents where authorities have been contacted and arrests have been made after students posted death threats and threatened to commit Virginia Tech-style massacres on JuicyCampus. Threats are not protected by the First Amendment, nor have they ever been.

Further, some of the material on JuicyCampus is doubtlessly libelous--and therefore also unprotected speech. If you look at JuicyCampus for just few minutes (if you can stomach the sophomoric -- no offense to sophomores reading this) you will see allegations of sexual promiscuity, illegal behavior, and having a "loathsome" (a.k.a. venereal) disease. All of these allegations, if untrue, are libel per se. So what can or should colleges do to stop this evil plague of vicious internet gossip?

Really, I don't think they need to do anything. Given the libelous content, I can all but guarantee that JuicyCampus will be sued -- and sued quite often. Existing defamation law deals with cases involving "anonymous" online defamation. Simply put, if you defame someone online and cause them actual harm, your internet service provider can be compelled to turn over your name or IP address.

But while all the negative attention and forthcoming lawsuits may indeed put an end to JuicyCampus, let's not fool ourselves as to what that would mean. If there is a market for nasty online gossip, then even if JuicyCampus is killed, a dozen Juicy-like sites will pop up to take its place, some likely beyond the reach of American law.

So here is the prickly truth: Web 2.0 and the democratization of mass communication does, indeed, have a downside. Websites like JuicyCampus.com are going to exist. In order to live in society where such sites are a fact of life, we have to become more sophisticated information consumers. We are going to have to learn that anonymous postings making outrageous claims on gossip websites should be treated with about the same factual accuracy as "For a good time call Andy" scrawled on a bathroom stall.

People should deal with JuicyCampus by simply ignoring it. Lord knows all of these salacious and condemning news reports on the site are only helping spur its popularity. (I do note with some irony that I am contributing to this, too.)

So that is pretty much what I said to *CBS Evening News* in its entirety. I can fit a lot in a 15-minute interview. Honest. But with only a three-second clip that network news provides I could say little more than "universities should not be in the business of censoring websites." Oh well. Nuance and sound bytes rarely go together. Thank goodness for the internet.

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