
Creator:
Salkoff, Brooke.

Description:
Thesis (M.A.L.S.)--Georgetown University, 2009.; Includes bibliographical references. This thesis examines the legal and social implications of a single website, www.WhosARat.com, and by extension probes wider challenges to the fledgling state of First Amendment law in the age of the Internet.; In its very name and Internet address, the website WhosARat.com poses the question "Who's A Rat?" and claims to answer it, with the names and other personal information of hundreds of individuals who are believed to be cooperating with law enforcement in criminal investigations and prosecutions. It claims to serve a valuable social end, based on the premise that government informants (called "snitches" where they are reviled) are unreliable, and that defendants have a fundamental, constitutionally-protected right to learn the information that is being offered against them in a criminal proceeding, and who is providing it.; Federal law enforcement officials, however, argue that for its chilling effect on witness cooperation, at a minimum WhosARat.com hamstrings law enforcement in investigating crimes. At worst, they say, it will lead to violence against willing cooperators and their families. The result is a classic clash of law and order and free speech, but in virtually uncharted territory of Internet communication. The website raises basic questions that could have profound implications in the wired age: is WhosARat.com's transmission of information that could threaten individual safety and undermine criminal prosecutions, entitled to longstanding First Amendment protection? Does the instant and global transmission of this material online alter the traditional standard for assessing whether speech is proscribed--based on a real and immediate threat to safety--and thus call for a fundamental re-thinking of the legal definition of incitement as it applies to the Internet?; This thesis relies on published accounts in newspapers and magazines, and on documents from the U.S. Justice Department, to describe the genesis of WhosARat.com and its context within a long history of anti-snitching campaigns. It will explain how the website poses a special challenge to law enforcement because of its content and reach, and because of longstanding speech protections guaranteed by the First Amendment to the U.S. Constitution. A close review of the evolution of these safeguards with respect to Internet threats will show that this area of the law is in its infancy, and will demonstrate the challenges to applying traditional standards of free speech to online communication. As a result, individual confrontations between online speakers and law enforcement may serve as defining tests of First Amendment protections in the Internet age. WhosARat.com is one of these instances.; In the absence of evidence that WhosARat.com threatens bodily harm, or incites likely, imminent lawless action, an analysis of the website and First Amendment law suggests that -- for the moment at least -- it may operate on the Internet frontier without fear of government interference. Furthermore, as troubling as it may sound, one might reasonably conclude that a person may have to be hurt or killed, as a result of material posted on WhosARat.com, before the government is legally justified in trying to shut the website down, on grounds that its content poses a threat to individual or public safety.

Permanent Link:
http://hdl.handle.net/10822/553386

Date Published:
2009

Subject:
Law
The First Amendment to the U.S. Constitution provides that: This language restricts government both more and less than it would if it were applied literally. It restricts government more in that it applies not only to Congress, but to all branches of the federal... The provisions of the First Amendment have been interpreted to provide a bulwark against government intervention in the most basic elements of our democracy — the expression of thought, opinion, and belief. As necessary conditions to democratic governance, the rights embodied in the First Amendment occupy a “preferred position” in the hierarchy of constitutional rights. As Justice Rutledge, speaking for the majority of the Supreme Court, said in 1945 in its very name and Internet address, the website WhosARat.com poses the question “Who’s A Rat?” and claims to answer it, with the names and other personal information of hundreds of individuals who are believed to be cooperating with law enforcement in criminal investigations and prosecutions. It claims to serve a valuable social end, based on the premise that government informants (called “snitches” where they are reviled) are unreliable, and that defendants have a fundamental, constitutionally-protected right to learn the information that is being offered against t