

Case 2-A

Are there limits to free speech? Alex Jones and InfoWars

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The background

The media platform InfoWars was established in 1999 and produces content from an undisclosed location outside of Austin, Texas. It received White House press credentials in 2016. Some estimates suggest that, until the middle of 2018, the site received as many as 10 million visits a month, making it more “read” than publications such as *Newsweek* and the *Economist*. The site is owned by Alex Jones Free Speech Systems LLC, and Jones remains its publisher and most visible host. During the decade following its founding, the site published far right conspiracy theories.

Jones earns revenue from the sale of products he pitches online, and since 2013 those products have included vitamin supplements touted to improve cognitive function. Product sales are the site’s primary revenue stream; it does not work through a subscription or more traditional advertising model. In one court case, Jones claimed to have earned as much as \$20 million per year on the website.

InfoWars has promoted a variety of conspiracy theories, among them claiming that the Las Vegas shooting (referred to in Chapter 2) was staged by the government. Jones’ site has published conspiracy-theory linked stories about Microsoft Founder Bill Gates, claimed that millions voted illegally in the 2016 U.S. presidential election, and claimed that students who spoke out after the Florida Stoneman Douglas school shooting were “crisis actors.”

Jones has been accused of sexual harassment and anti-Semitism by former employees, a charge he denies. During a divorce, Jones’ attorney claimed that his client’s profession was “performance art”. He also settled a lawsuit by Chobani, the yogurt maker, for an undisclosed amount in 2017 after he broadcast that Chobani had been caught importing “migrant rapists.”

The site has been implicated in the investigation into Russian interference in the U.S. election, including having its content redistributed by Russian bots that promoted fake news. But perhaps the greatest uproar in the views expressed by Jones came after he claimed that the 2012 Sandy Hook (Connecticut) school shooting never happened.

Here’s how traditional news outlets reported the story.

On December 14, 2012, a shooter entered the Sandy Hook Elementary School in Newton, Connecticut, and killed 20 children and six adults in a spree that ended with the killer turning his gun on himself. At the time, it was the worst elementary school shooting in U.S. history and led to vigorous debates about what have become the twin themes of

virtually every school shooting in a deeply-divided nation—mental health and gun control.

In April 2018, Jones began telling listeners on his online InfoWars broadcast and Facebook page that the Sandy Hook elementary school shooting “pretty much didn’t happen” (Selby, 2018). The dead were “crisis actors,” and the Sandy Hook episode was an attempt by the government to allegedly tighten legislation on gun control by staging yet another school shooting—in this case using the most innocent of student-victims, each of them in first grade.

In August 2018, a group of parents whose children died in the shooting took Jones to court in Austin. A second lawsuit was also filed in a federal courtroom in Bridgeport, Connecticut, closer to the site of the event. Both suits are proceeding independently as of this writing. Both allege libel.

According to one of the legal briefs filed in Austin, the parents claimed that Jones’ broadcasts “persistently perpetuated a monstrous, unspeakable lie: that the Sandy Hook shooting was staged, and that the families who lost loved ones that day are actors who faked their relatives’ deaths.” His show, including an episode entitled “Sandy Hook Vampires Exposed,” had purportedly defamed the families and intentionally caused them grief. Parents spoke in court briefs of being threatened and harassed online by followers of Jones. Some had received death threats.

The response

Within a week of the filing of the Austin lawsuit, the *New York Times* (Nicas, 2018) reported that Apple, Google, Facebook, and Spotify had “severely restricted” the reach of Jones and InfoWars. Among his “dark and bizarre theories,” the social media outlets cited such Jones’ claims as the Sandy Hook school shooting featuring “crisis actors” and the existence an alleged global child-sex ring run by the Democratic Party.

Apple took down five of six Infowars podcasts on its site. Facebook removed four pages belonging to Jones, including one with nearly 1.7 million followers, for violating Facebook policies such as “glorifying violence” and “using dehumanizing language to describe people who are transgender, Muslims, and immigrants.” Facebook added that the violations did not relate to its campaign to remove “false news” from the site. YouTube removed four of his videos (Williamson, 2018). Twitter banned any new posting from Jones and Infowars for a week while Facebook suspended him for a month (Kang and Konger, 2018b).

Twitter initially waived about whether or not to suspend Jones’ account even after the other social media giants moved to suspend him. For five days, many Twitter users, some Twitter employees, and other media companies reacted to Twitter’s inaction. Others supported CEO Jack Dorsey, who did not think that InfoWars and Jones had violated its rules, which prohibited direct threats of violence and some forms of hate speech while still allowing deception or misinformation.

At one point, the 12-year-old social media company allowed two reporters from the *New York Times* to attend an hours-long internal meeting on the affair in their Manhattan headquarters (Kang and Conger, 2018a). The meeting focused on an exact definition of “dehumanizing speech.”

Facebook also found the decision to be difficult.

Three weeks earlier, in a discussion that began with whether Facebook would take down factually incorrect information about Sandy Hook, CEO Mark Zuckerberg volunteered to the reporter that he would not automatically remove denials that the Holocaust took place from Facebook (Zraick, 2018). “I’m Jewish, and there’s a set of people who deny that the Holocaust happened,” he said. “I find that deeply offensive. But at the end of the day, I don’t believe that our platform should take that down because I think there are things that different people get wrong. I don’t think that they’re *intentionally* getting it wrong.”

Though he later tried to walk back the comments in an email to the website Recode, Zuckerberg has not changed Facebook policy on Holocaust deniers (Zraick, 2018).

Micro issues

1. How does the content of InfoWars meet the definitions of fake news (chapter 2) and junk news (chapter 6)? In what ways does the site not meet these definitions?
2. Does the fact that InfoWars received White House press credentials influence your analysis?
3. Critique the actions of the various social media companies above. Critique the actions of those who “liked” or “posted” from InfoWars to various social media sites.
4. Evaluate Zuckerberg’s reasoning of “intentionally getting it wrong.”

Midrange issues

1. One of the problems for Twitter was the inability to clearly define “dehumanizing speech.” What do you think is a good definition of dehumanizing speech? What ethical theory supports your proposed definition?
2. Facebook CEO Mark Zuckerberg framed the Holocaust denier scenario as an equivalent to those who denied that the Sandy Hook disaster happened, yet he eventually treated the two situations differently. Evaluate these actions.
3. Since the parents’ lawsuit is for libel, do the claims of Jones and InfoWars fall into the realm of protected “ideas” or not? Justify your answer.

Macro issues

1. Should sites such as Facebook, YouTube, Twitter, and others be completely free of censorship, including self-censorship, and let the “marketplace of ideas” correct any errors? Why or why not?
2. Is InfoWars journalism? Marketing? Political commentary? Evaluate your response using utilitarian theory and virtue theory.
3. One of the standard responses scholars provide to the question of “problematic speech” is more speech. Evaluate this response in light of the history of InfoWars? Of the lawsuits that have been brought against the site?

4. The decisions of social media companies will have a financial impact on the InfoWars site. Is using financial leverage an appropriate mechanism to control information that reaches the public sphere?

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