

FREEDOM OF SPEECH AND ACCESS TO TECHNOLOGY

MPC MAJOR RESEARCH PAPER

*FREEDOM OF SPEECH AND ACCESS TO TECHNOLOGY:
A CASE STUDY OF THE 2011 BART CELL PHONE SERVICE SHUTDOWN*

JIWON BANG

Dr. Jean Mason

The Major Research Paper is submitted
in partial fulfillment of the requirements for the degree of
Master of Professional Communication

Ryerson University
Toronto, Ontario, Canada

August 17, 2012

AUTHOR'S DECLARATION
FOR ELECTRONIC SUBMISSION OF A MAJOR RESEARCH PAPER

I hereby declare that I am the sole author of this Major Research Paper and the accompanying Research Poster. This is a true copy of the MRP and the research poster, including any required final revisions, as accepted by my examiners.

I authorize Ryerson University to lend this major research paper and/or poster to other institutions or individuals for the purpose of scholarly research.

I further authorize Ryerson University to reproduce this MRP and/or poster by photocopying or by other means, in total or in part, at the request of other institutions or individuals for the purpose of scholarly research.

I understand that my MRP and/or my MRP research poster may be made electronically available to the public.

Abstract

This study explores the online public sphere's response to the San Francisco Bay Area Rapid Transit (BART)'s decision to shut down cell phone service in select subway stations for three hours in August 2011 to prevent a rumoured protest from taking place. Through an in-depth discourse analysis of popular user comments in the *San Francisco Chronicle* and the *Huffington Post*, this research examines the informal social construction process of the meaning of freedom of speech and identifies salient themes and discourses surrounding freedom of speech in technologically mediated communication. The findings reveal that the online public sphere is starkly divided in many aspects in its understanding of freedom of speech outlined in the First Amendment to the United States Constitution and what constitutes its violation. Moreover, a careful examination of the discussion threads suggests that the presence of cell phones does not alter the public's existing understanding of freedom of speech.

Acknowledgements

I am deeply indebted to my supervisor Dr. Jean Mason for her patience and guidance throughout the writing process. She encouraged me to think outside the box and pointed me in the right direction when I was baffled with the thousand possibilities that lay ahead of me. I would also like to thank Dr. Jeffrey Boase for providing me with insightful comments that improved the overall flow and organization of this paper. I am most especially grateful to my family and friends for their unwavering support and confidence in me.

Table of Contents

Author’s Declaration.....	ii
Abstract.....	iii
Acknowledgements.....	iv
List of Tables.....	vi
Introduction.....	1
Literature Review.....	4
Social Constructionism.....	4
Public Sphere.....	7
Freedom of Speech.....	9
Access to Technology.....	11
Methodology.....	15
Findings and Discussion.....	20
Phase I: Sentiment Analysis.....	20
Phase II: Thematic Analysis.....	22
Phase III: Critical Discourse Analysis.....	26
Competing Rights.....	27
Absolute or Relative?.....	31
Communication Channels.....	33
Technological Instrumentalism.....	34
Conclusion.....	38
References.....	43

List of Tables

Table 1: List of news articles with the most comments.....	17
Table 2: Comments' stance on the BART decision.....	20
Table 3: Emergent themes.....	22
Table 4: Constructing the meaning of freedom of speech.....	39

Freedom of Speech and Access to Technology:
A Case Study of the 2011 BART Cell Phone Service Shutdown

“The American people enjoy three great blessings—free speech, free press and the good sense not to use either” (Mark Twain, as cited in Murphy, 1972, p. 15).

“Are we at a moment in time where access to wireless communication is a component of free speech?” (Loftus, 2011, August 16)

In recent years, social media and cell phones have come to the fore as powerful sociopolitical mobilization tools around the world, as evidenced during the Arab Spring and the London Riots. Social networking platforms such as Facebook and Twitter were touted as the enabling force behind the Arab Spring; one journalist even wrote, “Why not call it a Facebook revolution?” (Taylor, 2011, February 24). In London, BlackBerry Messenger was widely used by rioters to communicate with each other and share information on where riots were and what police were doing (Halliday, 2011, August 8). Those events, however, have prompted governments to consider shutting down access to those tools altogether, as was demonstrated in the attempts to block the Internet in Egypt and the British government’s efforts to establish regulation guidelines for social media (Casilli & Tubaro, 2012). Accordingly, concerned activists as well as onlookers have been debating whether the government-initiated shutdown of access to information and communication technologies (ICTs) should be considered an infringement of freedom of speech.¹

Before one can contemplate if those government interventions indeed constitute a violation of freedom of speech, the meaning of freedom of speech needs to be made clear. This research seeks to explore various *socially constructed* notions of freedom of speech and identify main features of these notions as they relate to technologically mediated communication. As a

¹ I use the term “freedom of speech” and “free speech” interchangeably in this paper.

research site where these notions may surface, I will critically examine online comments that discuss the three-hour shutdown of cell phone and wireless service by the Bay Area Rapid Transit (BART) in San Francisco on August 11, 2011.² With the intent of thwarting a rumoured protest over the shooting of a man by a BART police officer, the government-run transit organization blocked cell phone and wireless service on the platforms of select subway stations. The shutdown subsequently led to further protests about freedom of speech, unrelated to the original protest over the shooting. These protests included a distributed denial-of-service (DDOS) attack on the MyBART.org website by the hacktivist group Anonymous. Furthermore, the cell phone service shutdown sparked lively discussions about whether BART had violated the demonstrators' and other BART riders' freedom of speech. Such discussions, in the form of user-generated comments on online news outlets, provide excellent textual material for this research.

The BART incident makes an interesting and relevant case study for various reasons. First, the fact that the shutdown was ordered by a public organization within the United States generated heated discussions within the U.S. as well as internationally. Many took the view that BART's decision to shut down cell phone and wireless service on its premises to thwart a rumoured protest seemingly contradicts the American—and Western—criticisms of authoritarian leaders such as Hosni Mubarak, former president of Egypt, who had attempted to shut down the Internet in Egypt in January 2011. Second, the BART case brought up the question of whether access to ICTs is an amenity or a right. This is especially of interest to my MRP, since there are other North American cities where the cellular infrastructure is yet to be built for the underground subway system, including Toronto, where having cellular service in the subway would be considered as a convenience.

² I will refer to this case throughout this paper as the BART incident or the BART case.

Because the current research is a case study that looks at public reaction to a specific incident, there are known limitations in terms of the scope of the research. While the data set may be relatively small, the findings that result from this study can serve as fodder for future research on civil rights, public policy, and ICTs, as well as where these three research interests may cross paths. Advances in technology have rendered cell phones a significant component in personal and professional communication; in 2011, it was estimated that Americans spend an average of 2.7 hours per day on their mobile devices (Ruder Finn, 2011). Accordingly, it is important to analyze how the ubiquitous use of ICTs in everyday communication may or may not affect the public's understanding of freedom of speech. In particular, I am interested in whether access to technology is widely identified as a main element of freedom of speech.

The questions my research seeks to address are as follows: What does freedom of speech mean to modern day communicators? What are the main features of freedom of speech as it pertains to technologically mediated communication as perceived by the public commenting on the BART case? More specifically, is access to technology socially perceived as an element of freedom of speech? How might the existence of cell phones influence and/or alter the public's understanding of freedom of speech?

Literature Review

The literature review section is divided into four sub-sections: 1) social constructionism, 2) public sphere, 3) freedom of speech, and 4) access to technology. I will first review some of the relevant scholarly works in social constructionism as it pertains to my research, then explain how the concept of public sphere may apply to the realm of online comments. In addition, I will examine legal literature on freedom of speech in the United States to illustrate how freedom of speech is legally defined. Finally, I will review academic literature that discusses access to technology as a potential freedom of speech issue.

Social Constructionism

My research begins with the understanding that freedom of speech is a *social construct*. Social constructionism, conceptualized by Peter L. Berger and Thomas Luckmann (1966), focuses on how human knowledge is constructed through social interaction and argues that the nature of the world is less important than the language used to name and discuss it. In other words, people's understanding of the world emerges from the social and interactive processes in which they take part. It is through these processes by which any body of "knowledge" comes to be socially established as "reality" that a social construct, such as freedom of speech, becomes institutionalized (Berger & Luckmann, 1966, p. 3).

Once established, an institutional world is experienced as an objective reality that confronts the individual as an external and coercive fact (Berger & Luckmann, 1966, pp. 55-56). Yet Berger and Luckmann emphasize that "the objectivity of the institutional world, however massive it may appear to the individual, is a humanly produced, constructed objectivity" (p. 57). As an example of this "constructed" objective reality, they talk about the institution of law: "[it is]

represented by legal language, codes of law, theories of jurisprudence and, finally, by the ultimate legitimations of the institution and its norms in ethical, religious, or mythological systems of thought. . . All these representations, however, derive their continuing significance and even intelligibility from their utilization in human conduct” (p. 70).

Berger and Luckmann also discuss subjective reality, which is constructed through internalization of the objective world by an individual. They emphasize that “the symmetry between objective and subjective reality is never a static, once-for-all state of affairs. It must always be produced and reproduced *in actu*” (p. 123). In the BART case, then, each individual user commenting on the BART-related news articles can be said to be *subjectively* interpreting the *objective* institution of freedom of speech. In this sense, the legal language of freedom of speech is objective reality, while each individual’s understanding of what that legal language means is subjective reality.

It should be noted that my paper focuses on the *informal* social construction of the meaning of freedom of speech. Formally established social constructions, according to Harder (2011), are “those that are explicitly recognized in the legal and official apparatus of an organized body such as a school system or a state” (p. 308). Harder argues that “formally established social constructions do not only determine beliefs but are also formally inscribed in the way the world actually works” (p. 308). To illustrate this point, Harder brings up John R. Searle (1995)’s concept of “status functions.” Searle believes that an institutional fact, such as freedom of speech, is created through “the collective intentional imposition of function on entities that cannot perform those functions without that imposition” (Searle, 1995, p. 41). This imposition of a collectively recognized status is labelled status functions. An example of status functions is the creation of human rights; Searle argues that “somehow the idea came to be

collectively accepted that one might have a status-function solely by virtue of being a human being” (Searle, 1995, p. 93).

In contrast, informal social construction is not embedded with such legal and official powers. Social groups may also informally share conceptualizations of the way things are, and these may be taken for granted and have causal powers vested in them by group members (Harder, 2011, p. 309). These informal social constructions, however, vary across the larger community and lack the collective intentional imposition of status-function seen in formal social constructions. Since my paper is less concerned with the formally established legal definition of freedom of speech but, rather, with the public’s understanding of it, I focus on the informal social construction and the main features of freedom of speech *as perceived by* supporters and critics of the BART decision.

How, then, do institutional facts continue to exist? Searle argues that “the individuals directly involved and a sufficient number of members of the relevant community must continue to recognize and accept the existence of such facts” (Searle, 1995, p. 117). Schauer (2005) agrees with this view in his article on the social construction of the concept of law; he claims that “the socially constructed concept of law changes over time and is best understood as emerging through a process of continuous construction and reconstruction” (p. 498). Similarly, Harder asserts that “sustainability depends on the overall balance between erosion and (re)construction” (Harder, 2011, p. 311). In the same vein, the social constructionist view of reality maintenance can be applied to understanding how the concept of freedom of speech may be sustained or change over time.

Public Sphere

The concept of the public sphere, as articulated by Jürgen Habermas (1962/1989), refers to the arena, independent of government, where public opinion is formed through open and unfiltered discussion, as well as public's unfettered access to information. A communicative infrastructure, the public sphere is “made up of private people gathered together as a public and articulating the needs of society with the state” (p. 176). Public spheres are important in social constructionism as “discursive sites where society deliberates about normative standards and even develops new frameworks for expressing and evaluating social reality” (Hauser, 1998, p. 86).

Habermas took a somewhat critical view of the public sphere as he considered the growth of the mass media and consumer capitalism to have transformed the public sphere: “the public sphere becomes the court *before* which public prestige can be displayed—rather than *in* which critical debate is carried on” (original emphasis, Habermas, 1962/1989, p. 201). In his more recent work, he emphasizes the “pluralistic, internally much differentiated mass public” (Habermas, 1992, p. 438) that is able to resist mass-mediated representations of society and create its own political interventions.

Building on the Habermasian concept of the public sphere, Hauser (1998) has developed a rhetorical model of public opinion that emphasizes the discursive practices of *publics*, not *the* public. This notion of multiple publics, rather than of one overarching public sphere, is prevalent in the literature on the public sphere (Asen & Brouwer, 2001; Dahlgren, 2001b; Fraser, 1992). Dahlgren (2001a), for instance, describes publics as “issue publics,” where publics are organized around various issues. Similarly, Hauser claims that a public sphere is a “discursive space in which strangers discuss issues they perceive to be of consequence for them and their group. Its

rhetorical exchanges are the bases for shared awareness of common issues, shared interests, tendencies of extent and strength of difference and agreement, and self-constitution as a public whose opinions bear on the organization of society” (Hauser, 1999, p. 64).

As the Internet allows faster and wider dissemination of information, many scholars believe that the concept of the public sphere can be applied to new media. Downey and Fenton (2003) argue that as more users converge to debate issues of local and global concern, challenging the top-down flow of information, they are effectively extending and invigorating the public sphere. Some scholars, however, claim that the Internet’s potential to create a vibrant public sphere is limited because of “the increasing colonization of cyberspace by state and corporate interests, . . . the difficulty of verifying identity claims and information put forward, the exclusion of many from online political fora, and the domination of discourse by certain individuals and groups” (Dahlberg, 2001).

Despite these criticisms of the potential of the Internet in general, user-generated media, social networking, and Web 2.0 hold the promise of a vigorous online public sphere. In particular, Douai and Nofal (2012) believe that user comments on news sites illustrate both the interactivity and user-generated nature of Web 2.0 on the one hand, and the promises associated with an open and accessible public sphere on the other (p. 269). They argue that online user comments “facilitate interaction with readers of the same news story, discussion of news content, venting frustrations, and/or airing agreements to a larger public” (p. 269).

Furthermore, online comments sections on news sites satisfy the four criteria developed by Poor (2005) to identify online public spheres: 1) public spheres are spaces of discourse, often mediated; 2) public spheres often allow for new, previously excluded, discussants; 3) issues discussed are often political in nature; and 4) ideas are judged by their merit, not by the standing

of the speaker. Thus, using the concept of the public sphere, critical discourse analysis of online comments can help illustrate the social (re)construction of freedom of speech as it pertains to the BART case.

Freedom of Speech

If we are to gain an understanding of how different notions of freedom of speech are socially constructed in an online public sphere, we need to examine the legal definition of freedom of speech first. Freedom of speech in the U.S. is guaranteed by the First Amendment to the U.S. Constitution: “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.”

While the language of the amendment may seem clear, “the purpose, scope, and function of its meaning” have been subject to dispute (Hemmer, 2006, p. 1). A literal interpretation of the First Amendment would completely ban Congress, and only Congress, from “abridging” the freedom of speech or of the press in any way (Trager, Russomanno, & Ross, 2010, p. 48). However, in 1925, the U.S. Supreme Court said the First Amendment applied to state legislatures as well as to Congress, and since then has struck down both federal and state laws, court rulings, administrative agency actions and executive decisions because they violate the First Amendment (Trager et al., 2010, p. 48). Also, the Supreme Court has interpreted the word *speech* to mean “all forms of expression, verbal or otherwise, that are designed to communicate ideas” (Zelezny, 2007, p. 43).

The two main schools of thought, absolutism and historicism, have drastically different

interpretations of the First Amendment. Ignoring the notion of “abridgement,” absolutists argue that speech rights are safe as long as Congress and the states “make no law” affecting speech (Stein, 2006, p. 7). For absolutists, “free speech exists wherever there is freedom from government intervention, but it does not require that anyone have a way, means, or outlet in which to speak” (Stein, p. 7).

On the other hand, historicism looks to the original intent of those who drafted the First Amendment to decipher its meaning. However, the original intent is not entirely clear as the First Amendment was drafted by multiple people with multiple intents. Moreover, according to Stein (2006), even if it were possible to “discern precisely what those who drafted the First Amendment meant by free speech, it would not automatically follow that contemporary understandings of free speech should be limited to definitions that were conceived in a radically different social and communicative context” (p. 8). Citing Laurence Tribe (1988), Stein argues that the Constitution is “a deliberately indeterminate document designed to accommodate evolving political ideals and practices” (Stein, 2006, p. 8).

Similarly, Creech (2007) explains that although the First Amendment is written in absolute terms, the interpretations of the First Amendment given by the courts have varied over the years, “depending on the philosophical bent of the justices hearing the cases” (p. 57). This view is in line with Murphy (1972)’s opinion on the 1920s when the first Supreme Court cases on freedom of speech started coming in: “The meanings of freedom of speech in the 1920s were as divergent as those who sought to define it. . . . In either event, looking at the period through the free-speech window raises doubts about the monolithic quality so often attributed to it” (p. 121). Furthermore, the rapid advancement in communication technology has introduced new challenges to legal interpretations of freedom of speech. Hemmer (2006) argues that each new

advancement “alters society’s orientation toward information, entertainment, and promotion,” triggering “reconsideration of the appropriate forms of regulation and deregulation” (p. 229).

Overall, legal scholars seem to be in agreement that the new ICTs present distinct challenges for legal interpretation of freedom of speech. Although legislations are in place to ensure constitutional freedoms are upheld, in many cases interpretation of those legislations depends on the justices making the decision. In essence, this means that the legal application of freedom of speech can be malleable to sociocultural context. As Murphy (1972) said, the fact that the meaning of freedom of speech became “primarily a concern of judges, attempting to define it through the technique of splitting fine legal hairs over the precise and proper limits of its operation” (p. 286), is in itself highly revealing.

Access to Technology

As can be expected, a good portion of academic literature on ICTs and civil liberties focuses on Internet censorship (Calingaert, 2010; Spevak, 1998), privacy concerns (Hoanca, 2006; Tavani, 2004), and issues of intellectual property (Balkin, 2004; Tavani, 2004). More importantly for my research, there also exists literature regarding the possible impact emerging ICTs may have on the existing understanding of freedom of speech, especially on the issue of access to technology.

Pool (1983), in particular, presents a thoughtful analysis of the confrontation between the new ICTs and the First Amendment. Despite almost 30 years of time lapse since its publication, his research remains valuable to my MRP. His book, *Technologies of Freedom: On Free Speech in an Electronic Age* synthesizes history, law, and technology, providing a useful overview of the history of government regulations on ICTs, ranging from the printing press to the post office, the

telephone, television, computers, and digital networks. Underlying the narrative of the book is the notion that the evolving nature of ICTs has had a negative impact on the U.S. government's ability to update regulations to ensure traditional freedoms are upheld. He argues that there are three domains of communication in the U.S. and that the law has evolved separately with regard to each domain: print, common carriage, and broadcasting. In particular, his emphasis on the "right of access"—that the public should have universal service and fair access without discrimination—is directly applicable to the BART case.

More recently, Ethan Zuckerman (2007) suggests that while Web 1.0 was invented so that theoretical physicists could publish research online, Web 2.0 was created so that "people could publish cute photos of their cats," which makes it difficult for governments to censor online activists without inconveniencing the general public who uses social networking tools for generally "banal purposes." Zuckerman (2008) calls this the "cute cat theory of digital activism." In essence, he argues that authorities may often be able to restrict the Internet freedoms of activists with few repercussions, but if their censorship hinders the vast majority of Internet users' ordinary communication— sharing pictures of cute cats— they will risk inciting a revolution. In addition, within the social constructionist framework, Zuckerman's theory can help illustrate how demonstrators and the public react to the cell phone service shutdown incident.

On a similar note, Shirky (2010) argues that with the spread of new media that increase public access to speech or assembly, "a state accustomed to having a monopoly on public speech finds itself called to account for anomalies between its view of events and the public's" (p. 36). He claims that this "conservative dilemma" exists in part "because political speech and apolitical speech are not mutually exclusive" (p. 37). This echoes Zuckerman (2009)'s point that these two different types of speech occur on the same communication tools, making it possible for activists

to *repurpose* the seemingly innocuous Web 2.0 tools.

Moreover, Shirky (2010) maintains that having ICT tools does not necessarily determine a positive outcome for democratization movements, but those tools help support civil society and strengthen the public sphere, which is a pre-requisite for improved political freedom. He explains that in response to the growing use of social media tools in political movements across the world, the U.S. State Department has committed itself to “Internet freedom” as a specific policy aim since January 2010. Although he outlines the issue as more of a foreign policy concern, Shirky’s comparison of authoritarian states’ attempt to repress the Internet and American beliefs about freedom of expression is useful because the current study looks at what may or may not be a violation of that freedom within the U.S., with many in the public arguing that the U.S. maintains a double standard when it comes to freedom of speech.

On the other hand, Morozov (2011) offers a thorough analysis of the downside of the seemingly democratizing nature of the Internet and the new media technologies. His critical view on Internet freedom is immensely useful as it is a huge departure from other existing literature that perceives the Internet as a largely positive social mobilization tool. Interestingly, Morozov views both Zuckerman and Shirky as “cyber-utopian” and “Internet-centric,” questioning their optimism for the positive impact the Internet can have on democratization movements in authoritarian states (pp. 315-318). Instead, he argues for “cyber-realism,” urging individuals not to get dragged into “the highly abstract and high-pitched debates about whether the Internet undermines or strengthens democracy” or to search for “technological solutions to problems that are political in nature” (p. 319).

In contrast to the scholarly works examined above, technological instrumentalism fundamentally differs from the determinist and constructivist perspectives in that it rejects the

notion that there is a causal relationship between technology and human action. Pretorius (2008) explains that unlike the determinist or the constructivist approach, the instrumentalist approach assumes that technology is a neutral tool and has no inherent meaning of its own (p. 300).

According to Rosenau (2002), “information and information technologies ... do not in themselves tilt in the direction of any particular values” (p. 275). Ultimately, it is “individuals and organizations that introduce information into political arenas and thereby render it good or bad” (Rosenau, 2002, p. 275). However, although the instrumentalist perspective focuses on human agency, the availability of technology sets “the range within which ends and means are framed, alternatives pondered, and choices made” (Rosenau, 2002, p. 275). On the whole, the tension that exists between the instrumentalist perspective and the determinist and constructivist views of technology illustrates the diverse opinions on the role of technology in modern society.

Overall, although much of the existing research literature seems to focus on the positive and democratizing effect of the Internet and new ICTs, there is some research that illustrates the pitfalls of technology use in driving social change (Ganesh, 2011; Vaccari, 2011). While this skeptical view of new ICTs is not as widespread as the more positive outlook, the research that has been done so far offers critical and systematic analyses that will help guide my own research (Bennett, 2003; Dahlberg, 2011; Garrett, 2006; Horst & Ling, 2011; Ku, 2000). Since there has been no scholarly examination of the BART case, my research may be a useful addition to this existing research literature on whether technology has a causal influence on the public’s understanding of freedom of speech.

Methodology

As previously mentioned, the current research is a case study with a limited dataset aimed to encourage further analysis and academic dialogue. The methodology explained in this section may be applicable to more comprehensive studies on the social construction process of the meaning of freedom of speech. To gauge the public's understanding of freedom of speech in relation to access to technology in this case study, I critically examined comments to online news articles on the BART incident published between August 11 and August 18, 2011 in the *San Francisco Chronicle* (www.sfgate.com) and the *Huffington Post* (www.huffingtonpost.com). Habermas (1962/1989)'s concept of the public sphere, as has been reviewed earlier in this paper, can be applied to new media such as the Internet and the discussion forums frequently embedded in online news outlets (Douai & Nofal, 2012; Downey & Fenton, 2003). According to Santana (as cited in McCluskey & Hmielowski, 2011), 92% of the top 150 U.S. newspapers in 2010 accepted online comments. Not only is studying these comments a way of gauging the pulse of the public debate (Lange, 2008), but it also may reveal the social (re)construction of freedom of speech. Accordingly, I used grounded theory to guide my research and to look for emergent patterns and common narratives among the comments. With the previously reviewed legal literature as a reference point, I am ultimately interested in the similarities and discrepancies that I may be able to detect among the textual research material through critical discourse analysis.

Critical discourse analysts, such as Norman Fairclough (1995), study communicative interaction as it is used to accomplish social purposes in specific contexts. In particular, critical discourse analysis focuses on communicative interactions where discourses can be "contested," analyzing the ways in which "users of dominant discourses try to prohibit such discursive contests, to further the dominance of their familiar and value-based ways of communicating"

(Lock & Strong, 2010, p. 277). Congruent with social constructionism, critical discourse analysis can help explain how different understandings of freedom of speech come into conflict through discursive interactions among commenters.

I chose the *San Francisco Chronicle* and the *Huffington Post* as my research sites for the following reasons. The *San Francisco Chronicle* was selected because its readership appears to consist mainly of BART commuters who were directly affected by the BART incident. The *Chronicle* is the most popular newspaper in the Bay Area, with an approximately 31% reach (combined for both print and online) according to Hearst Media Services (2011), the newspaper's distributor. As the national counterpart to the local *San Francisco Chronicle*, I included the *Huffington Post*, an exclusively online-based news outlet that is widely accessed across the U.S. By choosing two data sources that contrast each other in geographical readership as well as online-offline readership, I sought to collect as wide a variety of comments as possible in two media that nonetheless hold particular relevance within the context of the BART incident.

Phase I of data collection involved looking at news articles from these two sources that were published between August 11 and 17, 2011, the weeklong period in the immediate aftermath of the BART incident. The *San Francisco Chronicle* published 14 articles on BART's decision to shut down cellular service and the ensuing public reaction, including further protests and online attacks by the hacktivist group Anonymous. The *Huffington Post* published 12 articles on the same issue in the same time period. Among these, I selected the three articles from each news outlet that generated the most comments (see Table 1) for the purposes of this pilot project.

Table 1: List of news articles that received the most comments

Item #	Date Published	Headline	# of Comments	URL
SFC1	August 15, 2011	Cell service stays on during BART protest in SF	887	http://www.sfgate.com/news/article/Cell-service-stays-on-during-BART-protest-in-SF-2335111.php
SFC2	August 12, 2011	BART admits halting cell service to stop protests	426	http://www.sfgate.com/news/article/BART-admits-halting-cell-service-to-stop-protests-2335114.php
SFC3	August 14, 2011	BART website hacked, customer info leaked	405	http://www.sfgate.com/bayarea/article/BART-website-hacked-customer-info-leaked-2335175.php
HP1	August 13, 2011	San Francisco Transit Blocks Cellphones To Hinder Protest	3621	http://www.huffingtonpost.com/2011/08/13/san-francisco-transit-cellphone-protest_n_926135.html
HP2	August 14, 2011	'Anonymous' Targets BART: Hacker Group Goes After San Francisco Transit System After Cell Phone Shutdown	1433	http://www.huffingtonpost.com/2011/08/14/anonymous-bart-cell-phone-shutdown-protest_n_926574.html
HP3	August 15, 2011	BART Protests: Protesters Demonstrate Against Transit Agency's Recent Actions, Multiple Stations Closed	1013	http://www.huffingtonpost.com/2011/08/15/bart-protests-protesters-hit-streets-civic-center-station-closed_n_927790.html

In the comments section of these six articles selected, I examined the top 50 comments on each article, adding up to a total of 300 comments. With the *San Francisco Chronicle* articles, comments were sorted by “most active,” which is calculated by combining the number of thumbs-up, thumbs-down, and replies. With the *Huffington Post* articles, comments were sorted by “popularity” instead, as the *Huffington Post* only allows comments to be sorted by either “popularity” or “recency.” While this study is limited in that the dataset is not comprehensive of all the comments the BART incident generated, I considered that the 50 most active or most popular comments in each article were a relevant enough sample to discern the most common

points of contention that drew commenters to engage in online debates.

To assess the general agreement among the commenters on whether the BART decision to shut down cellular service was met with public support or not, a basic quantitative sentiment analysis was conducted on these comments. Sentiment analysis is a type of subjectivity analysis that focuses on identifying positive and negative opinions, emotions, and evaluations expressed in language (Wilson, Wiebe, & Hoffmann, 2009). In this initial coding process, comments were categorized as “supportive” (of the BART decision to shut down cell phone service), “critical,” or “neutral.” When comments were not clearly indicative of whether they supported or criticized the cell phone service shutdown, they were coded as “neutral.” In some cases where a comment criticized both the BART decision and protesters, it was coded as “critical” since the coding was based on whether commenters agreed with the BART decision or not.

Phase II of data collection involved examining the selected 300 comments and identifying recurring themes among them. Once identified, I counted the frequency of occurrence of each theme. To maintain consistency, the same set of themes was applied across the dataset for both SFC and HP. Some comments were found to contain more than one theme, while some others did not include any, resulting in somewhat uneven numbers. For instance, comments that addressed other aspects of the BART incident, such as the original BART police shooting that sparked the initial protest and the hacktivist group Anonymous’s attack on the MyBART.org website, were excluded from this thematic analysis.

Finally, in Phase III of data collection, any replies that the 300 comments generated were examined to identify discussions among commenters that centred around what they understood to be freedom of speech in the realm of technologically mediated communication. All in all, 48 comments from the initial 300 comments were identified to have generated discussions

meaningful to my research, and the 399 reply comments posted in response to those 48 comments were included in the critical discourse analysis. I considered these reply threads to be especially relevant for my research in that they might demonstrate the social construction process of what commenters perceive as freedom of speech. While many of the recurring themes from Phase II were seen again in the reply comments, I analyzed these comments separately because they were unique in that the commenters had to directly interact with each other and wrote in response to previously posted comments, forming direct discursive interactions.

Although this research is not concerned with the legality of the BART action, many of the reply comments included for the critical discourse analysis discussed whether BART was within its legal rights to shut down access to cell phone service on its premises. My reasoning for including these comments was that freedom of speech at its basis is a legal concept, and whether there has been an infringement on freedom of speech inevitably depends on one's interpretation of written laws and regulations. And it is this individual and collective interpretation of freedom of speech that is at the centre of this research.

Findings and Discussion

Phase I: Sentiment Analysis

A basic sentiment analysis categorizing comments into “supportive,” “critical,” or “neutral” of the BART decision was conducted on the 300 most popular/active comments from the *San Francisco Chronicle* and the *Huffington Post*. Comments supportive of the BART decision to shut down cell phone service, such as this one posted by “seehowtheyrun,” offered various reasons for their support: “Protestors got this one wrong. BART is under NO obligation to provide cell phone or wireless services in their system. It's a courtesy that they provide and they are free to revoke it at any time.”³ Likewise, comments critical of the BART decision were vocal in expressing their opinions. For example, “niveuspuer94” wrote: “Wow! I read the headline and thought to myself, for sure this can't be in america! Wake up folks, your civil liberties need defending.”

Overall, 60% of the comments analyzed were critical of the BART decision to shut down cell phone service, almost double the number of comments that supported the decision (see Table 2). However, between the *San Francisco Chronicle* and the *Huffington Post*, there was a significant discrepancy in the sentiments displayed by comments. As is evident from Table 2, while more than half of SFC comments supported BART, an overwhelming majority of HP comments criticized the decision.

Table 2: Comments’ stance on the BART decision

News Outlet	Supportive	Critical	Neutral	Total
SFC	81 (54%)	59 (39%)	10 (7%)	150 (100%)
HP	22 (15%)	120 (80%)	8 (5%)	150 (100%)
Total	103 (34%)	179 (60%)	18 (6%)	300 (100%)

One explanation may be found from the content of the selected news articles. For

³ I have reproduced all the misspellings and punctuation contained in the original user comments.

instance, although SFC1 seemed objective in that it included quotes from demonstrators as well as from BART officials, the article also allocated a bulk of space to the station closures and the disruption they caused to daily commute. HP1, on the other hand, heavily focused on the negative reaction the BART cellular shutdown generated, with quotes from individuals and organizations critical of the decision, such as a BART board member, the Electronic Frontier Foundation, and the American Civil Liberty Union. As such, it is possible that those who commented on these articles were influenced by the slant embedded in the content.

More importantly, as a local newspaper that caters mostly to the Bay Area residents (Hearst Media Services, 2011), many of the *San Francisco Chronicle*'s readers are likely local residents who ride BART in their daily commute. This may mean that the readers who commented on the *San Francisco Chronicle* feel personally affected by the disruptions to transit services caused by protests, resulting in support for BART's efforts to thwart further demonstrations. In contrast, the *Huffington Post* has a fewer percentage of BART riders among its readers, since it is an online news outlet that has readership across the United States and overseas. This would mean that the readers commenting on the *Huffington Post* are likely to be physically and emotionally removed from the issue, when compared to the *San Francisco Chronicle*'s readership.

The sentiment analysis revealed that while there were more criticisms than support for the BART decision to shut down cell phone service, there existed a significant number of comments supporting BART for the following thematic and critical discourse analyses to be meaningful. The apparent variance between comments from the *San Francisco Chronicle* and the *Huffington Post* adds depth to the case study as well.

Phase II: Thematic Analysis

Within the two bigger and contending categories of comments that support and criticize the BART decision, I was able to identify a number of recurring themes that constituted main points of contention among comments on both the *San Francisco Chronicle* and the *Huffington Post* (see Table 3).

Table 3: Emergent themes

Frequency	Supportive	Critical	Frequency
59	Disregard for non-protesters	Freedom of speech and civil liberties	127
19	Cell phones as a convenience	Allusion to authoritarian states	28
14	Public safety	Public safety	9

The most common element among comments that expressed support for BART’s decision to shut down cell phone service was extreme frustration with transit delays caused by demonstrators. Rather than looking at the incident as a freedom of speech issue, these comments maintained that BART riders simply wanted to get home after work and that protests were causing transit delays, resulting in support for BART’s efforts to prevent further protests. For example, “luvthefog1951” wrote: “Protest? Puhleeze! I will never support this group when they CHOOSE to disrupt the lives of regular folk. Get your tired butts over the BART headquarters and protest till the cows come home but to disrupt the daily commute of the average citizen is reprehensible.” What seems implicit in comments such as these is the view that the right to protest and freedom of speech should be curbed when it disrupts the broader public’s day-to-day activities. As was apparent from the initial sentiment analysis, the majority of the comments criticizing protesters’ disregard for non-protesters came from the *San Francisco Chronicle*, where many local residents who ride BART on a daily basis expressed displeasure with being severely inconvenienced by protests and subsequent transit delays.

More importantly, some comments that belong to this category further argued that having no access to cell phones for a few hours was better than experiencing disruptions to daily commute. This sentiment was best represented by a comment posted by “ros2008”: “Being inconvenienced by having 15 minutes without cell phone and internet service is a reasonable trade for being inconvenienced by spending 2 hours waiting for black bloc to decide they’ve drawn enough attention to themselves so they can go home and let BART service resume.” Indeed, many BART supporters viewed the incident more as a *clash of different rights* than simply a freedom of speech issue. For instance, “tonylaz” questioned why the right to protest or freedom of speech should take precedence over commuters’ right to use BART transit services: ““Constitutional”? Where exactly in the Constitution does it say that a flash mob of self important unproductive hippies has the right to disrupt the legal passage of innocent commuters?”

To counter this viewpoint, Benjamin Franklin was often quoted by commenters critical of the cell phone service shutdown: “Those who would give up essential liberty to purchase a little temporary safety deserve neither liberty nor safety” (as cited by “goliver5,” “grant06,” “MikeCM,” “NEllison,” and “rbryanh”). The quote was used to illustrate the commenters’ point that freedom of speech—especially speech that criticizes government actions—should not be withheld under any circumstance. In fact, many who saw the BART decision to shut down cell phone service as a freedom of speech issue expressed abhor that some commenters were taking BART’s side in this matter. “Cattlerancher” wrote: “You people are all hypocrites and narcissists! You will trade all your personal freedoms for a smooth commute home from your job?” Similarly, “Californio” mused: “The majority of people want order (=no protest in BART) and are willing to forgo a curtailment of their rights (=no cell phone usage in BART) to achieve that order. This is what Mussolini and Hitler understood.” As these comments show, it seems

that there is a clear divide in public opinion regarding when, if ever, freedom of speech may be curbed.

Another argument often used by BART supporters was the idea that access to cell phones is a complimentary service offered by BART, not a guaranteed right under the Constitution or the First Amendment. For example, “DaisyNorCal” commented: “I’m confused, when did it become a “right” to use a cell phone on a BART platform?” Another user, “seehowtheyrun,” expressed a similar opinion: “Protestors got this one wrong. BART is under NO obligation to provide cell phone or wireless services in their system. It’s a courtesy that they provide and they are free to revoke it at any time.” These commenters focused on the communication technology at issue—cell phones—than the act of communication itself (or the effort to block such communication).

Subsequently, many of these comments implied or explicitly stated that protesters were “spoiled” or “entitled” for considering access to cell phones as a given in any situation. “Romeguy84” wrote: “This is ridiculous...So you cant use you mobile phone in a subway station? I got along just fine with out a cell phone up until 2 years ago, and I still barley use it. These people are a bunch of babies. OOO nooo....for 15 min I cant use the phone. I hope they disable cell phones in movie theaters too.” Furthermore, as the previous comment demonstrates, BART supporters often took a rather condescending or mocking tone in criticizing protesters and other commenters who considered the BART incident to be a freedom of speech issue. Another commenter, “londonview,” posted: “Get over it. We lived without mobile/cell service before, so what ? Besides, it is THEIR property. What a nonsense issue.”

These comments also touch on another popular argument, that people used to live without cell phones and got along fine. Again, the comments displaying this theme focused on the

technology and implied that cell phones were just another communications tool. A comment by “boltnut55” summed up this trend: “Maybe it’s just me.. to me, the ability to use a cell phone on a subway is a privilege and a convenience. I totally wouldn’t expect it and also don’t see it as censorship. I’ve been riding BART since 1992. Virtually no one had cell phones back then. Long after that, I remember cell service in SF disappearing after we passed Powell (from Market). What did we do for so called emergency needs then? Push the button and talk to the BART operator, like what we’re supposed to do now. In any case, I think Anonymous just annoyed more people that BART did...”

On the other hand, prominent among arguments criticizing BART was comparisons made between the BART incident and repressive actions taken by authoritarian regimes around the world. A commenter, “joe007,” argued: “The head of BART should be arrested for civil rights abuses. Americans have a RIGHT to protest. This is the kind of thing that would happen in the Soviet Union or red China, NOT America. So much for freedom.” In addition, some comments went further and explicitly denounced BART and by extension, the U.S. government, as hypocrites against authoritarian regimes. “Philimanjaro” quipped: “Funny, just a few months ago our government denounced Mubarak for employing the same exact tactics. Hypocrites.”

These comments tended to evoke American exceptionalism and the widespread view of the U.S. as a beacon to the world, a land of individual freedoms. Many comments echoed the opinion expressed by “Michael Ludin”: “I am not loving this. Punishing the general populace for what some “might” do? Not America boys. Not America.” While these comments do not specify how “America” differs from the rest of the world, they indicate that any attempt by a U.S. government agency to block communication runs counter to individual freedoms that many view as inherent to fundamental American values.

Interestingly enough, public safety was a popular theme on both sides of the debate. Some commenters supported the shutdown because they believed the demonstrators were endangering public safety during rush hour commute. For example, “drzeus” wrote: “BART: do what is necessary to ensure passenger safety. If that means turning off the cell phones or shutting stations, so be it.” This was also the main argument used by the BART authorities to justify the decision to shut down access to cell phones, asserting that BART’s primary purpose is “to provide, safe, secure, efficient, reliable, and clean transportation services” (San Francisco Bay Area Rapid Transit District, 2011, August 12).

At the same time, the public safety argument was used by critics of BART to bring up the possibility that not having access to cell phones might have been problematic had there been any emergencies during the time of shutdown. A comment made by “Forest GreenMan” questioned what would have happened in cases of emergency: “What if there had been a major emergency during the shutdown. Without cell service help wouldn’t have arrived in a timely fashion and you know it! With this kind of behavior could you trust BART to get the help that would be needed, where it would be needed in an effective time frame ? I doubt it !!” Comments like these also suggest that some consider access to cell phones as a necessity in modern life where cell phone use is now ubiquitous.

Phase III: Critical Discourse Analysis

Unlike the original dataset of 300 most popular/active comments, the reply threads generated from those comments revealed direct discursive interactions among commenters and their efforts to persuade each other through the formation of distinct discourses. Accordingly, these reply comments tended to be longer than those from the initial dataset, as commenters tried

to present counterarguments to the specific comment they were responding to—a cogent social construction process in which the meaning of freedom of speech was contested. Not only did the reply threads reinforce the themes already discussed in the thematic analysis, they also made more references to legislations that govern and regulate communications in the U.S. and constructed distinct discourses.

Competing rights. The question of the rights of protesters versus the rights of commuters was as prominent as it was in the original dataset. In the below excerpt, two commenters, “dapperduck” and “jjwatts,” argue about whose rights should be given priority.⁴

Excerpt 1: Reply thread on competing rights

dapperduck: @ waynelambright, jjwatts, tipster - I would like to remind you and your ilk that are advancing the argument of freedom of speech that you are missing something very important. IT'S NOT THE ONLY RIGHT THAT EXISTS! . . . The Ninth Amendment is being violated by the protesters. That is, the freedom of movement. No, no, no! It does not need to be explicitly stated. That's the point of the Ninth Amendment. OTHER UNSTATED RIGHTS EXISTS AND MUST, ABSOLUTELY MUST, BE RESPECTED. . . . Yes, Bart could have waited until things got out of hand, but, to their credit, they didn't. To argue that their wasn't going to be any trouble is disingenuous. When one person's right conflicts with another person's, the correct action is let the courts decide. That is why they are there.

jjwatts: @dapperduck: . . . The very reason the First Amendment exists is to bar the government from asserting a presumption of violence as an excuse to preemptively quash non-violent dissent. Indeed, to act on such a presumption is counterproductive. As JFK said, “Those who make peaceful revolution impossible will make violent revolution inevitable.” . . . I'm pretty sure the right to freedom of movement is the right against _government_ interference with freedom of movement. In the case of state governments it rests in the liberty clause of the 14th amendment. The fact that the government cannot impede the travel of law-abiding citizens does not mean they can actively quash other constitutional rights in order to ensure free movement. . . .

dapperduck: @jjwatts - It is the government's duty to protect all rights. When there is a

⁴ Due to the length of these reply comments, all the excerpts have been redacted where the content was deemed irrelevant for analysis. The omitted parts have been marked with “. . .”.

conflict with those rights, then the courts decide who shall prevail. In this case, in my opinion, the rights of the commuters should prevail. They commuters have limited or no choice as to their mode of transportation (freedom of movement). The protesters have much more flexibility in how they practice their freedom of speech. A Bart station platform is not the only place where they can effectively deliver their protest. A Bart station platform is the only place a commuter can board a Bart train. If in fact it was going to be non-violent dissent it would not have been quashed. There is no doubt that the aim of the “protest” was to disrupt Bart service because of a ruse excuse. This is borne out by past practices of the protesters, the lack of a permit to demonstrate, that they were going to “protest” on the Bart platform and not at the Bart entrances, and the exhorting for “protest” from the group Anonymous. There is, again in my opinion, enough precedence to assume that unlawful acts would be committed and danger to Bart passengers was quite probable. The shutting down of the cellular phone service was to prevent the abetting of a criminal act. The government does not need to wait for a crime to be committed in order to act. Among their many duties is public safety. (What if someone is knocked off of the Bart platform in front of a train - a real possibility? Does your freedom of speech trump that person’s right to life?) . . .

In the above exchange, “dapperduck” argued that the protesters were infringing on the commuters’ freedom of movement and that BART’s decision to preempt the threat of violence was justified. In response, “jjwatts” contended that the government cannot make a presumption of violence and use that as an excuse to violate other constitutional rights. Repeating his initial claim, “dapperduck” responded by saying that the protesters could have protested elsewhere, whereas the commuters had to be on the platform to board trains. He further asserted that the decision of whose rights should prevail lies with the courts and that he personally thinks there is enough precedence to presume threats to public safety.

As a matter of fact, the notion of competing rights is well-recognized among legal experts. Hemmer (2006) explains that “when other rights conflict with the First Amendment—for example, the right to fair trial, right to privacy, right to peace and order—the competing rights are balanced to determine which has priority” (p. 8). Chief Justice Fred Vinson argued that

“when particular conduct is regulated in the interest of public order, and the regulation results in an indirect, conditional, partial abridgement of speech, the duty of the Courts is to determine which of these two conflicting interests demands the greater protection under the particular circumstances presented” (as cited in Hemmer, 2006, p. 8). The so-called “balancing test” is supported by many legal scholars such as Zechariah Chafee, who argues that speech is always subject to balancing against other governmental or societal interests to determine whether interference is legally acceptable, although “freedom of speech ought to weigh very heavily in the scale” (as cited in Zelezny, 2007, p. 61). A limitation of the balancing test, however, is that the judicial opinions in a specific case are difficult to apply in future cases where circumstances are different.

Another point brought up by the above exchange is that BART exercised prior restraint in preemptively shutting down access to cell phone service. According to Creech (2007), some kinds of speech may lose First Amendment protection under certain circumstances where the speech is considered to threaten public safety. The “clear and present danger test” was introduced by Justice Oliver Wendell Holmes in 1919: “The most stringent protection of free speech would not protect a man in falsely shouting fire in a theatre and causing a panic... The question in every case is whether the words used are in such a nature as to create a clear and present danger that they will bring about the substantive evils that Congress has the right to prevent” (as cited in Hemmer, 2006, p. 7). More specifically, the Supreme Court stressed three elements that had to exist in order to find a “clear and present danger”: 1) the circumstances must involve a “substantial evil,” 2) the anticipated result must be “extremely serious,” and 3) the “degree of imminence” of the danger must be extremely high (Hemmer, 2006, p. 8).

BART itself claims to have used a similar logic in reaching the decision to shut down cell

phone service. In its August 20th statement that narrated what had happened in a previous protest, BART argued that the actions of the July 11th protesters had “violated the law by creating a serious threat to the safe operation of the BART system, disrupting the service of 96 BART trains (approximately two-thirds of the trains operating during the rush hour), causing the closing of stations, and putting at risk the safety of thousands of passengers and BART employees” (San Francisco Bay Area Rapid Transit District, 2011, August 20). The same statement explained that based on the previous experience with the July 11th protest, “the overall information about the planned protest [of August 11th] led BART to conclude that the planned action constituted a serious and imminent threat to the safety of BART passengers and personnel and the safe operation of the BART system, at a level that could far exceed the protest of July 11.”

Again, it is worth reiterating that the legality of the BART action is not the focus of this research. Whether the BART case met the clear and present danger test or the balancing test is beyond the scope of the current research. However, it should be noted that the legality of the BART action, i.e. whether BART breached the constitutionally guaranteed freedom of speech of protesters and commuters when it shut down cell phone service on its platforms, is at the centre of the debate among commenters, and it is their understanding of freedom of speech the current study seeks to analyze. Based on the legal references used in the reply threads, it seems that the commenters’ understanding of freedom of speech has a strong legal foundation, although each commenter has a different interpretation of the written law. It is apparent that these comments attest to Stein’s belief that the Constitution is “a deliberately indeterminate document designed to accommodate evolving political ideals and practices” (Stein, 2006, p. 8).

Absolute or relative? Another theme that became a point of contention among commenters was whether the BART incident is comparable to repressive actions taken by authoritarian states often condemned by the U.S. While this theme has already been discussed in the thematic analysis section, the below excerpt reveals another discourse:

Excerpt 2: Reply thread on absolute vs. relative view of freedom of speech

- goliver5:* Wow. I hope nobody died because 911 couldn't be reached. They didn't even do this in Egypt. So BART has more in common with the despots in Iran than they do with people who cherish free speech. They have proven to be uncivilized. Note to BART: Those who protest need to breathe air in order to protest. Are you planning to take away their air too?
- stat2:* Friend, you have a penchant for exaggeration, don't you?
- fr49ered:* Are you kidding? You're actually comparing breathing to talking on cell phones and a rogue government that tortures and murders its own citizens to an entity that was preventing anarchy and chaos on a crowded BART station(s) platforms thus endangering the lives of innocent people?
- vociferous:* You are right. Shutting down the antennas in the tunnels to prevent a planned disruption to BART service is comparable to shutting down the internet for an entire nation so that it is difficult for anyone outside the country to learn what kind of atrocities your government is committing.
- ruhroh:* Guess what? 15 years ago very few people had cell phones and we survived... Wow! Drama much?
- Propaganduh:* You people are missing the point. Yeah, we survived in the past without cell phones, and no, this was not exactly like Egypt or Syria. But what you don't seem to realize is that YOUR constitutional right to assemble is being stomped upon by certain authorities in whom you have placed your trust. It's not the government in this instance; it's the BART management, but you should still come out on the side of free speech and the right to assemble. I suspect all of the anti-protesters on this page are authoritarian followers, the weakest-minded of all conservative varieties.

In the above exchange, the initial post by “goliver5” compared BART to Egypt and Iran, two Middle Eastern countries with reputation for their tight regulation of communication technologies. This comment was met with almost unanimous criticism: “stat2” quipped that “goliver5” was exaggerating the situation, and “fr49ered” and “vociferous” brought up the safety

argument alongside the claim that the aforementioned countries block communication technologies in order to conceal the atrocities committed by the government against innocent citizens. Another commenter, “ruhroh,” alluded to the argument previously discussed in the thematic analysis, that cell phones are a convenience. Finally, “Propaganduh” wrapped up the thread by saying although the BART incident is different from Middle Eastern countries, it is still a free speech issue.

The above reply thread presents an interesting question: Is freedom of speech measured in absolute or relative terms? In other words, do the commenters hold the U.S. and other countries to the same standards in upholding freedom of speech, or do they envision freedom of speech as being on a continuum whereby the U.S. and other countries are situated at different points? Using the continuum analogy, Braddon-Mitchell and West (2004) explains that at one extreme of the continuum, “would-be speakers are bound and gagged and so no words are even produced. At the other extreme, the widest possible distribution of words is not merely permitted, but guaranteed” (p. 445).

In the above exchange, “goliver5” took the absolutist point of view in putting the U.S. and Middle Eastern countries in the same category of violating freedom of speech. In essence, there is no such distinction as “minor” or “major” violation of free speech; free speech is either violated or upheld, with no in-betweens. In contrast, “vociferous” argued that the BART action was smaller in scope and incomparable to shutting down the Internet for an entire nation. Even “Propaganduh,” who seems to be on “goliver5”’s side, conceded that “this was not exactly like Egypt or Syria.” These commenters seem to assume that there is a scale of severity in freedom of speech violations. All in all, this reply thread demonstrates another dimension of the freedom of speech debate and reveals the differing points of view.

Communication channels. Another salient discourse in the reply threads concerned whether freedom of speech is guaranteed in multiple communication channels.

Excerpt 3: Reply thread on communication channels

- AryeMiklBender:* This is a basic violation of freedom of speech and assembly that once could not have happened. How easily we Americans have handed over our Constitutionally guaranteed rights for the illusion of security! Does anyone here still believe that It Can't Happen Here? Look around you. It already has.
- littlebear23:* What are you talking about? No one stopped anyone from speaking. BART jammed wireless signals in their stations. People were doing plenty of speaking. Do you not think "speech" can happen unless it happens on a cellphone?
- topcover:* What did you protestors do before cell phones and pagers? Woooooo! Didn't you and your ilk in the past gather at speakeasy's or shadowy back rooms of bars and basements of restaurants? You could still totally do THAT.
- notnastassia:* So speech is only possible with cell phones? Gee, I can't find tape players to play my tapes anymore...obviusly my freedom to listen to music has been SHUT OFF! Oh wait, no it hasn't..there are other ways! Boy do you sound silly!

In the above reply thread, in response to "AryeMiklBender" who claimed that the BART incident was a violation of freedom of speech, "littlebear23" argued that no one stopped anyone from speaking and therefore freedom of speech was not violated. Similarly, "topcover" sarcastically wondered how people organized protests prior to the spread of cell phones. Adding to the discussion, "notnastassia" asserted that cell phones are not the only available channel of speech and that there other ways to communicate.

Implicit in "AryeMiklBender"'s original comment is the assumption that the Constitution guarantees freedom to communicate *through any medium*. Such an assumption would suggest that since freedom of speech without government interference is guaranteed for face-to-face communication, the same guarantee of free speech is extended to technologically mediated communication. In other words, speech that is protected by freedom of speech in face-to-face

communication is also protected when transmitted via ICTs. In the BART case, a planned protest—a speech act that is protected by freedom of speech—triggered BART to shut down cell phone service, the medium through which the protest was supposed to be organized.

The other comments, however, pointed out that there were other channels of speech, namely face-to-face communication, available and unobstructed. Since there was at least one channel of communication available for free speech, these commenters argued that there was no violation of freedom of speech. According to this argument, protesters were free to criticize BART using face-to-face communication without fear of government interference.

In a way, this discourse is similar to the previous discourse on whether freedom of speech is an absolute right. For “AryeMiklBender,” *all* communication channels must remain unobstructed for freedom of speech to be upheld. On the contrary, for “littlebear23,” “topcover,” and “notnastassia,” freedom of speech is protected even if some communication channels are blocked, as long as there is *at least one* channel of communication available. Analyzing the above excerpt makes it clear that there is a pronounced difference in commenters’ understanding of what constitutes a breach of freedom of speech.

Technological instrumentalism. The last discourse to be examined in this study revolves around commenters’ understanding of cell phones as a communication technology. The below excerpt begins with the previously discussed argument by BART supporters that cell phone service is a courtesy offered by BART.

Excerpt 4: Reply thread on the role of technology

2tru4u2c: . . . BART has no obligation to make sure your little gadgets work underground. They do, however give you a courtesy by having signal boosters. Cell phones are a priveledge for those that choose to afford them. That’s why not everybody has one. The trains and the platforms are

equipped with many, many Courtesy phones in case of emergency. People use them all the time. Matter of fact, before the boosters were installed, that's what EVERYBODY used. So, long & short of it, Nobodys free speech was violated. No matter how you try and twist it, spin it or squeeze it, it doesn't rise to the level of Constitutional crisis. Sorry. Peace

Wide Stance: Fallacious. BART is state owned. Bart get's it's funding from bond issues--voted by the taxpayer. This isn't about "gadgets"--that's asinine. This isn't about whether cell phones are a "right"--that's also asinine, and a straw argument. It's about free speech being a right--and government being forbidden from abridging it. Freedom of speech means FREEDOM to protest. WITHOUT government interference. . . .

2tru4u2c: You're exactly right and you also helped make my point. Free Speech is a right given to all of uf by way of the 1st Amnd. It does NOT, however include cellular service. There are many ways toexpress your Free Speech without the use of electronic devices. I think you're a little confused/contradicted. . . .

Wide Stance: I did no such thing, "make your point;" I wouldn't know where to begin. (You didn't either.) Free speech isn't the right to *use some other media.* That's hilarious, and proof that you don't understand the concept all. It's the right to unabridged, uncensored content of speech. Including grievances against one's government--that's content. As for the "freedom to protest," that is exactly what is guaranteed in the First Amendment. The right to *unabridged speech* means government can't limit the CONTENT of speech; freedom to "peaceful assembly" means gov't can't prohibit the *place* or *numbers* of people who can exercise such speech. . . .

Rich Altman: BART had no obligation to make sure the "little gadgets work underground" BEFORE they made it part of the BART service. Once they did, they cannot restrict lawful public access to it because they don't like the content of the speech it is carrying. And since BART IS an arm of the government, that makes it an unlawful intrusion by the government on free speech. You keep focusing on the technology...the government shut down the technology because they didn't like the content. That's a big no-no.

In the above reply thread, "2tru4u2c" argued that freedom of speech does not include the use of cell phones and that cell phone service was offered by BART simply as a courtesy. "Wide Stance" responded by claiming that cell phones are not at issue and that there is no right to cell phones; rather, he asserted that this was a freedom of speech issue. Then, "2tru4u2c" countered, saying that freedom of speech does not include cell phone service and using the previously discussed discourse to argue that there other ways to communicate without the use of electronic

devices. Both “Wide Stance” and “Rich Altman” put forward a similar argument in response, that the focus of freedom of speech is on the *content* of the speech, not the medium or the technology through which the speech is transmitted.

The above exchange provides a useful insight into what commenters think of as the role of technology in the freedom of speech debate. On the surface, following the discourse on multiple communication channels vs. at least one communication channel, “2tru4u2c”’s view is at odds with “Wide Stance” and “Rich Altman”’s view. Yet, all three commenters seem to be in agreement that the existence of cell phones *does not* affect the previously existing understanding—even though each may have had divergent interpretations to begin with—of freedom of speech. For instance, “2tru4u2c”’s claim that people used to get along fine in the past without cell phones in the subway implies his perception that the introduction of cell phones does not alter his understanding of when and how freedom of speech may be violated. Likewise, comments posted by “Wide Stance” and “Rich Altman” demonstrate that their existing understanding of freedom of speech—as protecting the content, not the medium—has not changed by the growing presence of cell phones.

How have the commenters come to accept that cell phones do not change the meaning of freedom of speech? Having the ability of communicating over cell phones, according to the above commenters, does not change what freedom of speech means because the essence of the legal concept of free speech lies in the content, not the medium. Together, these comments reflect technological instrumentalism in which technology is considered to be a neutral tool whose use is determined by human action. Technological instrumentalism characterizes technology as “enabling humans”—humans are the masters, and artifacts are only defined in terms of their functions (Pretorius, 2008, p. 299). This view is in direct conflict with Bruno

Latour (1993)'s actor-network theory in which technology is viewed as a non-human actor that can assert agency in interactions. Instrumentalists assume that technology "has no inherent meaning of its own" and that it is only a means to an end chosen by social actors (Pretorius, 2008, p. 300). Therefore, the main features of society are liable to remain unchanged by the use of technology since change will come from "social and political initiatives" by humans (Miles, Rush, Turner, & Bessant, 1988, p. 4). On the whole, the instrumentalist view is resonated in the online comments that cast cell phones merely as a convenient gadget whose use is determined by human action.

Conclusion

A comprehensive examination of popular online comments through sentiment, thematic, and critical discourse analysis shows that there were indeed marked differences in the commenters' understanding of freedom of speech. Despite constant dialogical engagements in the form of reply comments, it is apparent that neither of the two conflicting sides was able to persuade or be persuaded by each other.

For supporters of BART, freedom of speech is not an absolute right. There are restrictions imposed on freedom of speech, especially when it clashes with other individual rights and freedoms. In such cases, government interference is not only inevitable; rather, it is viewed as the government's responsibility to interfere on behalf of the individual or the group of individuals whose rights are deemed to take priority over freedom of speech. Accordingly, prior restraint is tolerated, as long as there is enough evidence to suggest that the speech constitutes an imminent threat to public safety. Since it is possible that a speech act has infringed on other rights, punishment after the fact is encouraged as well. In the context of technologically mediated communication, access to every ICT is not considered to be necessary to fully uphold freedom of speech, since ICTs are simply tools that accelerate communication, with no impact on content. As long as there is at least one channel of communication, including face-to-face, that remains open and makes it possible for individuals to communicate content, freedom of speech is thought to be protected.

On the contrary, critics of BART see freedom of speech as an absolute right, especially when the speech is directed against government authorities. Since freedom of speech is an absolute right, any form of prior restraint is not tolerated. However, in cases where the speech act turns out to have been illegal—yelling “fire” in a theatre, for instance—punishment after the

fact may be acceptable. In technologically mediated communication, whatever technology normally available for everyday communication—be it cellular or wireless—is expected to remain available for every kind of legally permitted speech, including speech criticizing the government. If a communication channel is blocked to prevent transmission of speech against the government, freedom of speech is thought to be violated, even if there are other communication channels available to transmit the same content (see Table 4).

Table 4: Constructing the meaning of freedom of speech

Main Features	Supportive of BART	Critical of BART
Government interference	Prior restraint is tolerated; punishment after the fact is encouraged as well	Prior restraint is not tolerated; punishment after the fact may be accepted if speech turns out to have been illegal
Absolute right	No, there are restrictions especially when freedom of speech clashes with other individual rights and freedoms	Yes, especially when the speech is directed against government authorities
Communication channel	Access to every ICT is not necessary as long as there is at least one channel of communication available	Multiple; whatever technology normally available for everyday communication
Neutrality of technology	Yes	Yes

Although there were substantial differences between the two groups’ understanding of freedom of speech, they both took the instrumentalist view in considering technology as a neutral tool that affords individuals to transmit content more easily and conveniently. Both sides maintained that there was no such thing as the right to cell phones, or to ICTs in general. Rather, they both argued that the right to the content these mediums carry was at issue. However, their differences surfaced again in their interpretation of whether the BART action constituted a breach of the right to content protected by freedom of speech. In assessing the BART cellular shutdown, BART supporters argued that freedom of speech was not violated because blocking the medium (or technology) did not have any impact on the message (or content); there was at

least one other communication channel—face-to-face communication—available to transmit the same content. In contrast, critics of BART asserted that freedom of speech was abridged because BART blocked the medium with the intention of blocking the message; although freedom of speech does not necessarily protect the medium, it must protect the content from being censored.

Contrary to some of the legal literature that portrayed the advent of new ICTs as problematic for legal interpretation of freedom of speech (Hemmer, 2006; Stein, 2006), the findings of this research suggest that the existence of cell phones does not alter the public's understanding of freedom of speech. Although the scope of this research was limited to two news outlets and a total of 699 comments, the technological instrumentalist viewpoint that permeated the discussion threads may merit further in-depth analysis. In particular, the notion of affordances may offer a worthwhile analytical lens for probing how such a view came to be widespread. According to affordance theory (Gibson, 1977; Norman, 1988), affordances refer to “the perceived and actual properties of [an object], primarily those fundamental properties that determine just how [the object] could possibly be used” (Norman, 1988, p. 9). A more comprehensive analysis using the notion of affordances may explain why cell phones are viewed merely as “gadgets” that *afford* faster communication but that do not change the users' existing perceptions of freedom of speech.

Since the cell phone service shutdown incident and the public uproar that ensued, BART has developed guidelines for when cell phone service may be disrupted in the future (San Francisco Bay Area Rapid Transit District, 2011, December 1). With input from the Federal Communications Commission and the American Civil Liberties Union, the Cell Service Interruption Policy seeks to set a standard of “extraordinary circumstances” when cell phone

service could be temporarily interrupted. BART Board President Bob Franklin stated: “The intent of this cell phone interruption policy is to balance free speech rights with legitimate public safety concerns” (San Francisco Bay Area Rapid Transit District, 2011, December 1). This policy reflects the legal concepts previously reviewed in this study, the balancing test and the clear and present danger test. Citing examples such as “evidence of use of cell phones as instrumentalities in explosives; to facilitate violent criminal activity or endanger [BART] passengers” (San Francisco Bay Area Rapid Transit District, 2011, December 1), the policy aims to interrupt cell phone service when there is an *imminent* threat to the public. In effect, the Cell Service Interruption Policy maintains that BART may exercise prior restraint in the future.

In response to BART’s adoption of the policy, the Federal Communications Commission (FCC) issued a Public Notice seeking public comment on the issue of cell phone service interruption (Federal Communications Commission, 2012, March 1). In the Public Notice, the FCC stated that any intentional interruption of wireless service, no matter how brief or localized, raises significant concerns and implicates substantial legal and policy questions (Federal Communications Commission, 2012, March 1). Separately from the FCC probe, California State Senator Alex Padilla has introduced a bill that would prevent state agencies from shutting down cell phone networks without first obtaining a court order (Buchanan, 2012, April 18). As of this writing, the FCC is still in the process of taking public comments and is yet to establish a formal policy statement. The bill (SB-1160) has been passed by the California State Senate and is on its way through the legislative process in the California State Assembly (California Legislative Information, 2012).

The current study sought to identify recurring patterns and salient discourses surrounding the social construction of the meaning of freedom of speech through the analysis of popular

online comments on the *San Francisco Chronicle* and the *Huffington Post*. On the whole, two starkly contrasting notions of freedom of speech have emerged from the current study. Both are neither right nor wrong; they are informal social constructs (Harder, 2011), and multiple social constructs may come into being through discursive practices of multiple publics (Hauser, 1998).

Of course, legal interpretation differs from the informal social constructs identified in the current study in that it works as a formally and legally established “status function” (Searle, 1995). Yet, it is worth noting that the courts and legislative bodies are not fully immune to public opinion and politics in their interpretation of freedom of speech. As the recent developments demonstrate, the BART cell phone service shutdown and the public debate it generated have prompted legislative changes that will become formal status functions once legally established. As Zelezny (2007) points out, professional communicators who have a special stake in First Amendment application “should stay vigilant regarding public opinion on freedom of speech and should, when appropriate, seek to mold that opinion with facts and insights” (pp. 40-41).

References

- ‘Anonymous’ targets BART: Hacker group goes after San Francisco transit system after cell phone shutdown. (2011, August 14). *The Huffington Post*. Retrieved from http://www.huffingtonpost.com/2011/08/14/anonymous-bart-cell-phone-shutdown-protest_n_926574.html
- Asen, R., & Brouwer, D. (Eds.). (2001). *Counterpublics and the state*. New York : State University of New York
- Balkin, J. M. (2004). Digital speech and democratic culture: A theory of freedom of expression for the information society. *New York University Law Review*, 79(1), 1-58.
- Bennett, W. L. (2003). Communicating global activism: Strengths and vulnerabilities of networked politics. *Information, Communication & Society*, 6(2), 143–168.
- Berger, P. L. & Luckmann, T. (1966). *The social construction of reality: A treatise in the sociology of knowledge*. Garden City, NY: Anchor Books.
- Braddon-Mitchell, D., & West, C. (2004). What is free speech? *The Journal of Political Philosophy*, 12(4), 437-460.
- Buchanan, W. (2012, April 18). Bill bars cell service shutdown by public agencies. *San Francisco Chronicle*. Retrieved from <http://www.sfgate.com/news/article/Bill-bars-cell-service-shutdown-by-public-agencies-3493251.php>
- Cabanatuan, M. (2011, August, 12). BART admits halting cell service to stop protests. *San Francisco Chronicle*. Retrieved from <http://www.sfgate.com/news/article/BART-admits-halting-cell-service-to-stop-protests-2335114.php>
- California Legislative Information. (2012). SB-1160 Communications: Service interruptions. Retrieved from <http://leginfo.legislature.ca.gov/faces/billVotesClient.xhtml>

- Calingaert, D. (2010). Authoritarianism VS. the internet. *Policy Review*, (160), 63-75.
- Casilli, A. A., & Tubaro, P. (2012). Social media censorship in times of political unrest: A social simulation experiment with the UK riots. *Bulletin of Sociological Methodology*, 115(1), 5-20.
- Chalaby, J. (2000). New media, new freedoms, new threats. *Gazette*, 62(1), 19-29.
- Collins, T. (2011, August 13). San Francisco transit blocks cellphones to hinder protest. *The Huffington Post*. Retrieved from http://www.huffingtonpost.com/2011/08/13/san-francisco-transit-cellphone-protest_n_926135.html
- Creech, Kenneth C. (2007). *Electronic media law and regulation*. Burlington, MA: Focal Press.
- Dahlberg, L. (2001). Computer-mediated communication and the public sphere: A critical analysis. *Journal of Computer-Mediated Communication*, 7(1). DOI: 10.1111/j.1083-6101.2001.tb00137.x
- Dahlberg, L. (2011). Re-constructing digital democracy: An outline of four ‘positions.’ *New Media & Society*, 13(6), 855-872
- Dahlgren, P. (2001a). Media and the transformation of democracy. In B. Axford, & R. Huggins (Eds.), *New media and politics* (pp. 64–88). London: Sage.
- Dahlgren, P. (2001b). The public sphere and the net: Structure, space, and communication. In W. L. Bennett & R. M. Entman (Eds.), *Mediated politics, communications in the future of democracy* (pp. 33–55). Cambridge: Cambridge University Press.
- Douai, A., & Nofal, H. K. (2012). Commenting in the online Arab public sphere: Debating the Swiss Minaret Ban and the “Ground Zero Mosque” online. *Journal of Computer-Mediated Communication*, 17(3): 266-282.
- Downey, J., & Fenton, N. (2003). New media, counter publicity and the public sphere. *New*

- Media & Society* 5(2), 185-202.
- Earl, J. & Schussman, A. (2003). The new site of activism: On-line organizations, movement entrepreneurs, and the changing location of social movement decision-making. *Research in Social Movements, Conflict, and Change*, 24, 155–187.
- Elias, P. (2011, August 15). BART protests: Protesters demonstrate against transit agency's recent actions, multiple stations closed. *The Huffington Post*. Retrieved from http://www.huffingtonpost.com/2011/08/15/bart-protests-protesters-hit-streets-civic-center-station-closed_n_927790.html
- Fairclough, N. (1995). *Critical discourse analysis: The critical study of language*. London: Longman.
- Federal Communications Commission. (2012, March 1). Commission seeks comment on certain wireless service interruptions. Retrieved from <http://apps.fcc.gov/ecfs/document/view?id=7021900550>
- Fraser, N. (1992). Rethinking the public sphere: A contribution to the critique of actually existing democracy. In C. Calhoun (Ed.), *Habermas and the public sphere* (pp. 109–142). Cambridge, MA: MIT Press.
- Ganesh, S. (2011). Why Facebook doesn't cause protests. *Communication Currents*, 6(2), 1-2.
- Garrett, R. K. (2006). Protest in an information society: A review of literature on social movements and new ICTs. *Information, Communication & Society*, 9(2), 202-224.
- Gibson, J. J. (1977). The theory of affordances. In R. Shaw, & J. Bransford (Eds.), *Perceiving, acting, and knowing: Toward an ecological psychology* (pp. 67-82). Hillsdale, NJ: Lawrence Erlbaum Associates.
- Gordon, R., Ho, V., Kane, W., & Bulwa, D. (2011, August 15). Cell service stays on during

- BART protest in SF. *San Francisco Chronicle*. Retrieved from <http://www.sfgate.com/news/article/Cell-service-stays-on-during-BART-protest-in-SF-2335111.php>
- Habermas, J. (1962/1989). *The structural transformation of the public sphere: An inquiry into a category of bourgeois society*. Cambridge, MA: MIT Press.
- Habermas, J. (1992) 'Further reflections on the public sphere', in C. Calhoun (ed.), *Habermas and the Public Sphere*, pp. 421–61. Cambridge, MA: MIT Press.
- Halliday, J. (2011, August 8). London riots: How BlackBerry Messenger played a key role. *Guardian News and Media Limited*. Retrieved from <http://www.guardian.co.uk/media/2011/aug/08/london-riots-facebook-twitter-blackberry>
- Harder, P. (2011). Conceptual construal and social construction. In M. Brdar, S. T. Gries, & M. Fuchs (Eds.), *Cognitive linguistics: Convergence and expansion* (pp. 305-324). Philadelphia: John Benjamins Publishing Company.
- Hauser, G. A. (1998). Vernacular dialogue and the rhetoricality of public opinion. *Communication Monographs*, 65(2), 83-107.
- Hauser, G. A. (1999). *Vernacular voices: The rhetoric of publics and public spheres*. Columbia: University of South Carolina.
- Hearst Media Services. (2011). San Francisco Chronicle and SFGate.com Advertiser Services: SFGate Stats. Retrieved from http://extras.sfgate.com/chronicle/adsite/online_sfgate_audience.html
- Hemmer, J. J. (2006). *Communication law: The Supreme Court and the First Amendment*. Lanham, MD: University Press of America.
- Hoanca, B. (2006). Freedom of silence vs. freedom of speech: Technology, law, and information

- security. *IEEE Technology and Society Magazine*, 25(3), 8-15.
- Horst, H. A., & Ling, R. (2011). Mobile communication in the global south. *New Media & Society*, 13(3), 363-374.
- Katz, J. E. (2007). Mobile media and communication: Some important questions. *Communication Monographs*, 74(3), 389-394.
- Ku, R. S. R. (2000). Open internet access and freedom of speech: A first amendment catch-22. *Tulane Law Review*, 75(1), 87-135.
- Ladhani, N. (2011). Why organizing will never be the same. *Social Policy*, 41(3), 71.
- Lange, P. (2008). Publicly private and privately public: Social networking on YouTube. *Journal of Computer-Mediated Communication*, 13(1), 361–380.
- Latour, B. (1993). *We have never been modern*. Cambridge, MA: Harvard University Press.
- Lock, A., & Strong, T. (2010). *Social constructionism: Sources and stirrings in theory and practice*. Cambridge: Cambridge University Press.
- Loftus, T. (2011, August 16). Many questions, few answers on BART shutdown of phones. *Wall Street Journal*. Retrieved from <http://blogs.wsj.com/digits/2011/08/16/many-questions-few-answers-on-bart-shutdown-of-phones/>
- McCluskey, M., & Hmielowski, J. (2011). Opinion expression during social conflict: Comparing online reader comments and letters to the editor. *Journalism* 13(3), 303-319.
- Miles, I., Rush, H., Turner, K., & Bessant, J. (1988). *Information horizons: The long-term social implications of new information technology*. Aldershot: Edward Elgar.
- Morozov, E. (2011). *The net delusion: The dark side of Internet freedom*. New York: PublicAffairs.
- Murphy, P. L. (1972). *The meaning of freedom of speech: First Amendment freedoms from*

- Wilson to FDR*. Westport, CT: Greenwood Publishing Company.
- Newton, C. (2011, August 14). BART website hacked, customer info leaked. *San Francisco Chronicle*. Retrieved from <http://www.sfgate.com/bayarea/article/BART-website-hacked-customer-info-leaked-2335175.php>
- Norman, D. (1988). *The design of everyday things*. New York: Basic Books.
- Pool, I. S. (1983). *Technologies of freedom: On free speech in an electronic age*. Cambridge, MA: Harvard University Press.
- Poor, N. (2005). Mechanisms of an online public sphere: The website Slashdot. *Journal of Computer-Mediated Communication*, 10(2). DOI: 10.1111/j.1083-6101.2005.tb00241.x
- Pretorius, J. (2008). The technological culture of war. *Bulletin of Science, Technology & Society*, 28(4), 299-305.
- Rosenau, J. (2002). Information technologies and the skills, networks, and structures that sustain world affairs. In J. Rosenau & J. P. Singh (Eds.), *Information technologies and global politics: The changing scope of power and governance* (pp. 275-287). Albany, NY: State University of New York Press.
- Ruder Finn. (2011). *Mobile Intent Index*. Retrieved from <http://www.intentindex.com/mobile/>
- San Francisco Bay Area Rapid Transit District. (2011, August 12). Statement on temporary wireless service interruption in select BART stations on Aug. 11. Retrieved from <http://www.bart.gov/news/articles/2011/news20110812.aspx>
- San Francisco Bay Area Rapid Transit District. (2011, August 20). A letter from BART to our customers. Retrieved from <http://www.bart.gov/news/articles/2011/news20110820.aspx>
- San Francisco Bay Area Rapid Transit District. (2011, December 1). Extraordinary circumstances only for cell phone interruptions. Retrieved from

<http://www.bart.gov/news/articles/2011/news20111201.aspx>

Schauer, F. (2005), The social construction of the concept of law: A reply to Julie Dickson.

Oxford Journal of Legal Studies, 25(3), 493-501.

Searle, J. R. (1995). *The construction of social reality*. New York: The Free Press.

Shirky, C. (2010). The political power of social media: Technology, the public sphere, and political change. *Foreign Affairs*, 90(1), 28-43.

Spevak, J. M. (1998). Ramifications of internet censorship by institutions: What is legal, what is expected, what is permissible. *College Student Affairs Journal*, 17(2), 73-79.

Stein, L. (2006), *Speech rights in America: The First Amendment, democracy, and the media*.

Chicago: University of Illinois Press.

Stoecker, R. (2002). Cyberspace vs. face-to-face: Community organizing in the new millennium.

Perspectives on Global Development and Technology, 1(2), 143-164.

Tavani, H. T. (2004). *Ethics and technology: Ethical issues in an age of information and communication technology*. Hoboken, N.J.: Wiley.

Taylor, C. (2011, February 24). Why not call it a Facebook revolution? *Cable News Network*.

Retrieved from <http://www.cnn.com/2011/TECH/social.media/02/24/facebook.revolution/>

Trager, R., Russomanno, J., & Ross, S. D. (2010). *The law of journalism & mass communication*.

Washington, DC: CQ Press.

Vaccari, C. (2011). The news media as networked political actors. *Information, Communication & Society*, 14(7), 981-997

Wilson, T., Wiebe, J., & Hoffmann, P. (2009). Recognizing contextual polarity: An exploration of features for phrase-level sentiment analysis. *Computational Linguistics*, 35(3), 399-

433.

Yun, S. & Chang, W. Y. (2011). New media and political socialization of teenagers: The case of the 2008 candlelight protests in Korea. *Asian Perspective*, 35(1), 135-162.

Zelezny, J. D. (2007). *Communications law: Liberties, restraints, and the modern media*.

Belmont, CA: Thomson Wadsworth.

Zuckerman, E. (2007, July 16). The connection between cute cats and web censorship. Retrieved from: <http://www.ethanzuckerman.com/blog/2007/07/16/the-connection-between-cute-cats-and-web-censorship/>

Zuckerman, E. (2008, March 8). The cute cat theory talk at ETech. Retrieved from:

<http://www.ethanzuckerman.com/blog/2008/03/08/the-cute-cat-theory-talk-at-etech/>

Zuckerman, E. (2009). Web 2.0 tools for development: Simple tools for smart people.

Participatory Learning and Action, 59(1), 87-94.