In my last column, I introduced the case of AutoAdmit, where the owners allowed graphic racist and sexist lies to be posted at will on a site claiming to be devoted to the interests of law students. I began that article by explaining that some of my undergraduate students have trouble understanding that what they post in cyberspace may have unintended consequences later in their lives.

In March 2007, Ellen Nakashima of the Washington Post published a blistering analysis of the personal consequences to specific individuals of the libel published on AutoAdmit. Brilliant, talented women law students were denied jobs at top law firms; suspicions fell on vile postings on that board which “feature derisive statements about women, gays, blacks, Asians and Jews…. disparage individuals by name or other personally identifying information …. [and] included false claims about sexual activity and diseases.” The author pointed out that such postings eventually get indexed by search engines such as Google and are available to potential employers during their due diligence background checks. Unfortunately, some of these firms decline to risk embarrassment and therefore decline to hire the defamed law students.

One of the principals in the AutoAdmit case published a fascinating rebuke to an organization called Reputation Defender in which he refused to help remove defamatory materials about named individuals because he objected to the way in which he was approached. Readers can gain a clear understanding of that person’s values and concern for the victims of his board’s policies by reading his self-defense.

In May 2007, _Wall Street Journal Law Blog_ writer Amir Efrati reported that the other AutoAdmit principal had been refused continued employment at a prestigious law firm. The attorney who refused further employment wrote, “We expect any lawyer affiliated with our firm, when presented with the kind of language exhibited on the message board, to reject it and to disavow any affiliation with it. You, instead, facilitated the expression and publication of such language. . . . [and your resignation from the site was] too late to ameliorate our concerns.”

I think that the people who ran this board had no sense of responsibility for the damage they were potentially causing to real human beings when they allowed lies and threats to remain on their discussion board. It’s easy to focus on abstractions and misinterpretations of the First Amendment and to lose sight of simply human empathy and bonds of social relations when everything is carried out impersonally in cyberspace. For more on that topic, see my paper “Totem and Taboo in Cyberspace: Integrating Technology into our Moral Universe” or

So, students, learn the lesson well: speech may be free but disregard for the consequences of our actions does not always go unpunished.
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