

ANONYMOUS SPEECH ON THE INTERNET: WHY CURRENT EFFORTS BY STATES TO REGULATE ANONYMOUS SPEECH FAIL CONSTITUTIONAL SCRUTINY, AND HOW COURTS SHOULD PROTECT FIRST AMENDMENT RIGHTS

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ABSTRACT

The legislatures in New York and Illinois have attempted to regulate the speech of individuals on the Internet and threaten to void their anonymity. The legislatures are trying to reach the actionable or harmful speech that often shows up on websites like Reddit.com. However, the bills have reached too far, and encompass much speech that is absolutely protected. This note argues that the right of anonymous speech on the Internet should be protected from government encroachment, and the proper way to protect the interests of individuals who are the subject of libelous or damaging speech should be through a re-working of current defamation tests advanced by the Supreme Court to ensure that speech is protected. Doing so balances the rights of individuals to speak freely while ensuring that those harmed have an avenue to recover for injuries.

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