

Google's Restriction of anti-Muslim Video Underscores Web Firms' Control of Speech

By Craig Timberg

Google lists eight reasons on its "YouTube Community Guidelines" page for why it might take down a video. Inciting riots is not among them. But after the White House warned Tuesday that a crude anti-Muslim movie trailer had sparked lethal violence in the Middle East, Google acted.

Days later, controversy over the 14-minute clip from "The Innocence of Muslims" was still roiling the Islamic world, with access blocked in Egypt, Libya, India, Indonesia and Afghanistan – keeping it from easy viewing in countries where more than a quarter of the world's 1.6 billion Muslims live.

Legal experts and civil libertarians, meanwhile, said the controversy highlighted how Internet companies, most based in the United States, have become global arbiters of free speech, weighing complex issues that traditionally are the province of courts, judges and, occasionally, international treaties.

"Notice that Google has more power over this than either the Egyptian or the U.S. government," said Tim Wu, a Columbia University law professor. "Most free speech today has nothing to do with governments and everything to do with companies."

In temporarily blocking the video in some countries, legal experts say, Google implicitly invoked the concept of "clear and present danger." That's a key exception to the broad First Amendment protections in the United States, where free speech is more jealously guarded than almost anywhere in the world.

The Internet has been a boon to free speech, bringing access to information that governments have long tried to suppress. Recall last spring's freewheeling Internet chatter over Chen Guangcheng, the blind Chinese dissident, as he evaded arrest in a country known for its tight control of news sources.

Google has positioned itself as an ally of such freedoms, as newspapers, book publishers and television stations long have. But because of the immediacy and global reach of Internet companies, they face particular challenges in addressing a variety of legal restrictions, cultural sensitivities and, occasionally, national security concerns.

"Google, YouTube, Facebook, Twitter now play this adjudicatory role on free speech," said Andrew McLaughlin, a former top policy official at Google who later worked for the Obama White House as deputy chief technology officer.

Nazi propaganda, for example, can be found on Google.com but not Google.de, the site tailored for use in Germany, where such speech is illegal. In the United States, images of animal cruelty can be found through Google's search algorithm – which is a key tool for legitimate researchers – but are blocked on YouTube, which the company owns but strives to give a more PG sensibility, blocking pornography, gratuitous violence and hate speech.

Despite Google's history as a steward of appropriate content, the White House outreach on the movie clip was remarkable, longtime observers of the company say.

Upset foreign governments occasionally block YouTube entirely within their borders to stop a video from being watched, as Afghanistan has done. Sometimes governments formally ask Google to block a YouTube video, which India and Indonesia have both done with the controversial movie clip. (Google said it complies with legal, written requests by governments to block videos from being viewed in their countries.)

But for the White House to ask Google to review a video that was causing trouble in a foreign land was an unusual step – and perhaps unprecedented. McLaughlin, the former Google and White House

Google's Restriction of anti-Muslim Video Underscores Web Firms' Control of Speech

By Craig Timberg

(continued)

official, could think of no similar request in the past.

Both government and Google officials said the company made its own decision after the White House raised the issue of the video on Tuesday, the day that U.S. Ambassador to Libya J. Christopher Stevens and three other Americans were killed.

"We reached out to YouTube to call the video to their attention and asked them to review whether it violates their terms of use," National Security Council spokesman Tommy Vietor said on Friday.

Google said it decided to block the video in Egypt and Libya because of the "very sensitive situations there" and not because the White House requested it.

A company official, speaking on the condition of anonymity to describe internal thinking at Google, said, "Dealing with controversial content is one of the biggest challenges we face as a company."

The decision has drawn an uneasy reaction, with some civil libertarians blasting Google for essentially censoring access for some potential viewers. For critics, the decision recalled Google's former compliance with Chinese government restrictions on a wide variety of content – before the company moved its offices and servers to Hong Kong in 2010, beyond the reach of Chinese censorship laws.

The motives of both Google and the White House drew suspicion this week, with some saying that U.S. officials might have sought to send a political message – distancing the United States from the anti-Muslim video – by revealing their efforts to have it blocked. The officials had no legal authority to demand action, legal experts say.

"It's a little bit of censorship and a little bit of diplomacy in a difficult situation," said Jennifer Granick, director of civil liberties for the Stanford Law School Center for Internet and Society.

Yet the controversy has highlighted how much of the world's information is concentrated in the hands of a relatively small number of powerful companies. Harvard law professor Jonathan Zittrain said these "corporate gatekeepers" are essential to keeping free speech robust.

He praised efforts to establish guidelines for

when content is removed or blocked from some viewers. Yet he said many hard decisions will come when actual cases arise.

"Anyone who says this is a no-brainer, I'm dubious about," Zittrain said. "Because it's not a no-brainer, and it's not going to go away."

David Nakamura and Julie Tate contributed to this report.

©2012, *The Washington Post*.

**WASHINGTON POST-BLOOMBERG
09-14-12**

Craig Timberg is The Washington Post's deputy national security editor. He joined the Post in 1998. He spent three years in Richmond covering Virginia politics and two years in D.C., covering the mayor and city council, before joining the Foreign Staff in 2004. After a stint as Johannesburg Bureau Chief, he became education editor in 2009 and deputy national security editor in 2011.