

**Endnotes for Professor Nadine Strossen’s New Epilogue to the 2020 Paperback Edition of
HATE: Why We Should Resist It with Free Speech, Not Censorship
(Oxford University Press 2018)**

**EPILOGUE: Why We Should Continue to Resist Hate with Free Speech, Not
Censorship—Including on the Dominant Social Media Platforms**

Note to readers from Nadine Strossen:

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Any readers who might have questions or comments about any endnote or source, or who might seek additional information about any point in the book, is welcome to contact me via Email: nadine.strossen@nyls.edu. I will endeavor to respond as promptly as feasible, consistent with a heavy travel and speaking schedule.

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208	“... ‘companies are bending over backwards to appease conservatives.’”	“Republicans Press Social Media Giants on Anti-Conservative ‘Bias’ That Dems Call ‘Nonsense,’” <i>Fox 23 News</i> , November 23, 2019, https://www.fox23.com/news/national-news/republicans-press-social-media-giants-on-anticonservative-aopobiasapos-that-dems-call-aoposnonsenseapos/792051289/ .
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209	“... ‘the strict standards of international human rights law.’”	Promotion and Protection of the Right to Freedom of Opinion and Expression, A/74/486, ¶ 19.
209	“... ‘we look to international human rights standards to make these judgments.’”	Evelyn Douek, “Why Facebook’s ‘Values’ Update Matters,” <i>LawFare</i> , September 16, 2019, https://www.lawfareblog.com/why-facebooks-values-update-matters .
209	“... ‘It is cyberspace...and social media in particular.’”	<i>Packingham v. North Carolina</i> , 137 S. Ct. 1730, 1735 (2017).
209-10	“...engage with officials and candidates.”	<i>Packingham</i> , 137 S. Ct. at 1732, 1735.
210	“... ‘it is the essence of self-government.’”	<i>Garrison v. La.</i> , 379 U.S. 64, 74-75 (1964).
210	“...an exercise of the companies’ own free speech rights.”	<i>Manhattan Community Access Corp.</i> , 139 S. Ct. at 1930.
210	“...that in the past has only been exercised by governments.”	<i>Packingham</i> , 137 S. Ct. at 1737-38.

210	“...its enforcement of its ‘hate speech’ ban.”	Guy Rosen, “An Update on How We Are Doing At Enforcing Our Community Standards,” <i>Facebook</i> , May 23, 2019, https://about.fb.com/news/2019/05/enforcing-our-community-standards-3/ .
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210	“...silenced more than 1.3 million messages.”	Shieber, “Facebook Releases Community Standards Enforcement Report.”
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211	“...these posts are also ‘the least likely to be restored.’”	Shieber, “Facebook Releases Community Standards Enforcement Report.”
211	“...reversed itself in only 152,000 such cases.”	Rosen, “Enforcing Our Community Standards.”
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211	“...ICCPR is more analogous to U.S. law’s speech-protective standards...”	Office of the United Nations High Commissioner for Human Rights, Agnès Callamard, Expert Seminar on the Links Between Articles 19 and 20 of the International Covenant on Civil and Political Rights, 11 (October, 2008), https://www.ohchr.org/Documents/Issues/Expression/ICCPR/Seminar2008/CompilationConferenceRoomPapers.pdf .

211	“...more speech-protective.”	General Comment No. 34, CCPR/C/GC/34.
211	“...including the European Convention on Human Rights.”	Dominika Bychawska-Siniarska, <i>Protecting the Right to Freedom of Expression Under The European Convention on Human Rights</i> (Strasbourg: Council of Europe, 2017), https://rm.coe.int/handbook-freedom-of-expression-eng/1680732814 .
212	“ ...issued in 2011.”	General Comment No. 34, CCPR/C/GC/34.
212	“...restrict the speech in order to forestall the harm.”	General Comment No. 34, CCPR/C/GC/34, ¶ 21-36.
212	“...‘connection between the expression and the threat.’”	General Comment No. 34, CCPR/C/GC/34, ¶ 35.
212-13	“...thereby embodying additional core U.S. legal concepts.”	General Comment No. 34, CCPR/C/GC/34, ¶ 22, 24.
213	“...restriction of freedom of expression on those charged with its execution.”	General Comment No. 34, CCPR/C/GC/34, ¶ 25.
213, FN 6	“...authoritatively interpreted to incorporate Article 19’s strict prerequisites for permissible restrictions, including necessity, proportionality,...”	General Comment No. 34, CCPR/C/GC/34, ¶ 27, 35.
213, FN 6	“...and narrow tailoring.”	General Comment No. 34, CCPR/C/GC/34, ¶ 25.
213, FN 6	“The same is true for Article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD),...”	UN International Convention on the Elimination of All Forms of Racial Discrimination, General Recommendation No. 35, CERD/C/GC/35 ¶ 2, 19 (Sept. 26, 2018), https://undocs.org/en/CERD/C/GC/35 .
213	“... for countering hatred and discrimination.”	General Comment No. 34, CCPR/C/GC/34, ¶ 2, 11.

213-14	“... ‘against religious intolerance’ and for ‘combating religious hatred.’”	UN Human Rights Council, Combating Intolerance, Negative Stereotyping and Stigmatization of, and Discrimination, Incitement to Violence and Violence Against, Persons Based on Religion or Belief, A/HRC/RES/16/18, ¶ 4 (Apr. 12, 2011), https://www2.ohchr.org/english/bodies/hrcouncil/docs/16session/A.HRC.RES.16.18_en.pdf .
214	“... developing education and mediation strategies to counter them.”	Combating Intolerance, Negative Stereotyping and Stigmatization, A/HRC/RES/16/18, ¶ 4.
214	“...urge companies to adhere to international human rights standards.”	UN Human Rights Office of the High Commissioner, Guiding Principles on Business and Human Rights: Implementing the United Nations “Protect, Respect and Remedy” Framework, HR/PUB/11/04, (June 16, 2011), https://www.ohchr.org/documents/publications/guidinprinciplesbusinesshr_en.pdf
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214	“... ‘root [its] values in human rights law.’”	Kyle Perisic, “Twitter CEO Hints At Adapting New Values – Possibly Free Speech,” <i>Daily Caller</i> , August 10, 2018, https://dailycaller.com/2018/08/10/twitter-un-free-speech/ .
214-15	“...oversight board, will be informed by international human rights law.”	Douek, “Why Facebook’s ‘Values’ Update Matters.”
215	“...specifically concerning online ‘hate speech.’”	Promotion and Protection of the Right to Freedom of Opinion and Expression, A/74/486.

215	“...‘at the front door of our house, what comes in and what our children see.’”	141 CONG. REC. 8470 (1995).
215	“...‘when appropriate, to account bans and content removals.’”	Promotion and Protection of the Right to Freedom of Opinion and Expression, A/74/486, ¶ 58(f) (Please note that the last phrase quoted in the text – “account bans and content removals” – should have been bracketed to indicate that it closely paraphrases the original language, but does not precisely quote it).
216	“...(with many users making both complaints, each aimed at speech with varying messages).”	Conger, “Twitter Backs Off.”
216	“...‘while respecting cultural norms and local laws. It’s incredibly difficult.’”	Conger, “Twitter Backs Off.”
216	“...inescapably imperfect enforcement of non-emergency restrictions ‘will not make it better.’”	McSherry, York, and Cohn, “Private Censorship Is Not the Best Way.”
216-17	“...have expressed commitments to honor human rights principles, including those protecting free speech.”	<i>Examining Social Media Companies’ Efforts to Counter Online Terror Content and Misinformation Before the H. Comm. on Homeland Security</i> 116th Cong. 8 (2019) (statement of Nick Pickles, Senior Public Policy Strategist of Twitter, Inc.); Prince, “Terminating Service for 8Chan.”
217	“...in addition to principle.”	Prince, “Terminating Service for 8Chan.”
217	“...‘power of open conversation to change minds, perspectives, and behaviors.’”	<i>Examining Social Media Companies’ Efforts</i> , 116th Cong. 8 (2019) (statement of Nick Pickles).
217	“...‘and reflect on their behavior than you might think..., especially when treated with dignity.’”	Micah Loewinger & Lindsay Blackwell, “Repairing Justice: How to Fix the Internet,” <i>On The Media</i> , New York, NY: WNYC, Aug. 2, 2019; https://www.wnycstudios.org/podcasts/otm/segments/restoring-justice-online2 .

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218	“...innovative approaches that could be especially effective.”	“Online Civil Courage Initiative,” Institute for Strategic Dialogue, accessed December 18, 2019 https://www.isdglobal.org/programmes/communications-technology/online-civil-courage-initiative-2-2/ .
218	“...including through presentations by former hatemongers and extremists.”	Taylor Hatmaker, “YouTube Launches Its Counter-Terrorism Experiment for Would-Be ISIS Recruits,” <i>TechCrunch</i> , July 20, 2017, https://techcrunch.com/2017/07/20/google-jigsaw-redirect-method-launch-youtube-isis/ .
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218	“... alt-right YouTubers have used, but to debunk their ideas.”	Roose, “The Making of a YouTube Radical.”
218	“...‘and then you have to give them the space to get all these ideas out of their head.’”	Roose, “The Making of a YouTube Radical.”
219	“...‘But when it comes to fighting fascism, they seem to have it figured out.’”	Micah Loewinger, “How YouTube’s Left is Changing Minds,” <i>On The Media</i> , New York, NY: WNYC, July 19, 2019; https://www.wnycstudios.org/podcasts/otm/segments/how-youtubes-left-changing-minds .
219	“...demonstrate an inclination to do so.”	Daniel Jones & Susan Benesch, “Combating Hate Speech Through Counterspeech,” <i>Berkman Klein Center for Internet & Society at Harvard University</i> , Aug. 9, 2019, https://cyber.harvard.edu/story/2019-08/combating-hate-speech-through-counterspeech .
219	“...‘formers’ — i.e., former hatemongers — have described as ‘redemption.’”	Loewinger, “How YouTube’s Left is Changing Minds.”

219	“...direct engagement with individuals showing signs of radicalisation online.”	Jacob Davey, Jonathan Birdwell, & Rebecca Skellett, <i>Counter Conversations: A Model for Direct Engagement with Individuals Showing Signs of Radicalism Online</i> , (Institute for Strategic Dialogue, 2018) isdglobal.org/wp-content/uploads/2018/03/Counter-Conversations_FINAL.pdf .
219	“...including former extremists, survivors of extremist violence, and professional counselors.”	Davey, Birdwell, & Skellett, <i>Counter Conversations</i> .
219	““...at speed and scale and encouraged to engage with online intervention providers on a sustained basis.”	Davey, Birdwell, & Skellett, <i>Counter Conversations</i> , 7.
219	“...as well as reducing ‘negative online behaviours.’”	Davey, Birdwell, & Skellett, <i>Counter Conversations</i> , 7.
219	“...of which messengers, substantive messages, and tones are most effective.”	Davey, Birdwell, & Skellett, <i>Counter Conversations</i> .
220	“...as an alternative to criminal punishment, recently has been explored in the online context.”	Charlie Warzel, “Could Restorative Justice Fix the Internet,” <i>New York Times</i> , August 20, 2019, https://www.nytimes.com/2019/08/20/opinion/internet-harassment-restorative-justice.html .
220	“...Lindsay Blackwell and online content moderators to test this approach.”	Warzel, “Could Restorative Justice Fix the Internet.”
220	“...‘rehabilitative approaches to moderation rather than ...punishment and reactive ones.’”	Loewinger & Blackwell, “Repairing Justice: How to Fix the Internet.”
220	“...which can reduce online abuse by others.”	Warzel, “Could Restorative Justice Fix the Internet.”

220	“... ‘the Swedish online love army who take on the trolls.’”	Makana Eyre and Martin Goillandean, “Here, Here: The Swedish Online Love Army Who Take On The Trolls,” <i>The Guardian</i> , January 15, 2019, https://www.theguardian.com/world/2019/jan/15/the-swedish-online-love-army-who-battle-below-the-line-comments .
220	“... ‘mobilises members to add positive notes on comment sections where hatred and misinformation is being spread.’”	Eyre and Goillandean, “Here, Here: The Swedish Online Love Army.”
220	“...formation of parallel groups across Europe.”	Eyre and Goillandean, “Here, Here: The Swedish Online Love Army.”
220	“... ‘by turning retweets of these hateful messages into donations for a good cause.’”	“WeCounterHate,” Possible, accessed December 18, 2019, https://www.possible.com/work/we-counter-hate .
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221	“... ‘what they are doing, and hopefully encourages them to start acting differently.’”	“WeCounterHate.”