MPC MAJOR RESEARCH PROJECT

'YOU HAVE THE RIGHT TO REMAIN SILENT'

AN EXPLORATION OF PUBLIC PERCEPTIONS OF FREE SPEECH

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AUTHOR'S DECLARATION FOR ELECTRONIC SUBMISSION OF A MAJOR

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ABSTRACT

This study explores the online public's reaction to the National Security Agency's surveillance Prism programs in light of the confidential government document leakage to the public on June 7, 2013. Through an in-depth qualitative analysis of top recommended user comments to the news article published in *The Guardian* describing the technicalities of the Prism program, public perceptions of civil liberties like free speech in new media communication are explored. Overarching themes and salient discourses on the public's understanding of their democratic rights emerged in the analysis. The findings revealed a number of competing views of liberty, and while the majority of the users opposed government surveillance and agreed it was in violation of their rights, further examination revealed a temptation to withdraw from using new media communication susceptible to government surveillance, thereby hindering the Internet's ability to act as a valuable arena for public debate as afforded by new media communication.

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INTRODUCTION

As the Internet continues to become a popular medium for online public discussion, individuals have become accustomed to openly sharing personal information (Marsoof, 2011). This public sharing of personal beliefs, ideas, and opinions has created a vibrant arena for expression that has resulted in widespread implications for the online public sphere. The volume of information exchanged has invited control measures such as filtering, monitoring (Lessig, 1999), and even government surveillance.

Surveillance refers to any collection or processing of personal data for the purpose of "influencing, or managing those whose data has been garnered" (Lyon, 2001: p. 2). Both government and private agencies are taking advantage of new information systems capable of collecting and processing user data as a means to acquire knowledge about consumer preferences and citizen behaviour; to detect and prevent security breaches; and to obstruct crimes and terrorism (Dinev, Hart, Mullen, 2007). With the introduction of the Patriot Act in 2001, following the attacks of September 11th, the U.S. government enhanced resources to intercept and obstruct suspected terrorism in order for the American people to feel safe in their country. While the Act was put in place to protect Americans, government officials, as a result, were given permission to obtain information on suspected terrorists through electronic surveillance. The need to protect the public from unwanted terrorism while

balancing other civil liberties like free speech is a difficult task for any government. Oftentimes issues of free speech are balanced against governmental and societal interests wherein such instances the courts typically determine which civil right has priority (Creech, 2007). However, the subjectivity of the judge could be a limitation, particularly as new cases continue to surface with the rise of new-media communication. The circumstances will continue to change as new forms of expression emerge on the Internet. While the goal of the Patriot Act is to protect U.S. citizens from future acts of terror, the extent to which the National Securities Agency (NSA) surveillance program, Prism, monitors online communication has concerned those who see a threat to civil liberties (Review of NSA surveillance programs to be led by panel of intelligence insiders, August 22, 2013).

The NSA Planning Tool for Resource Integration, Synchronization, and Management (Prism) program is designed to allow officials "warrantless access to search history, content of emails, file transfers and live chats" (Greenwald & MacAskill 2013, June 7). Government officials did not present the information on the NSA Prism program to the public. Instead, former NSA contractor Edward Snowden leaked the surveillance practices and the disclosures were published in articles in *The Guardian* and *Washington Post* on June 7, 2013 in an attempt to inform the public of the capabilities of a surveillance program like Prism. Publicizing the confidential document that describes government access to user data from major Internet servers

like Google, Facebook and Apple, has caused the public to question the transparency of the U.S. government and its respect for freedom of expression and privacy.

This MRP will investigate the public's understanding of free speech and expression as well as explore user expectations of online freedom from government intrusion within new media communication. The basis for this study is a content analysis of online user comments to Greenwald and MacAskill's news article, "NSA Prism program taps into user data of Apple Google and others", published in *The Guardian*, June 7, 2013. The article, which explains exactly how Prism infiltrates digital communication channels, prompted comments that reveal public notions of civil liberties and democratic rights.

Although this research study has a relatively small data set, the findings are relevant to future research on civil rights like free speech in computer-mediated communication. Advances in technology have increased the use of new media communication on both a personal and professional level, and as of December 2012, 81% of American adults over the age of 18 used the Internet (Pew Research Center, 2012). Furthermore, an astounding 88% of Internet users send and receive email, while 67% used social networking sites like Facebook, Twitter, and Google+ (Pew Research Center, 2012). These figures demonstrate the widespread adoption of new media communication in the U.S. and the enormous potential impact on free expression of the Prism program.

<div align="center">**LITERATURE REVIEW**</div>

The literature review is divided into four subsections: freedom of speech; the public sphere; new media communication; and the chilling effect. First, I will review scholarly works on freedom of speech as it relates to my research, and then explain how Habermasian concepts of the public sphere can be applied to new media communication sources such as online comments. In addition, I will examine the academic literature on new media communication and the potential impact on free speech. Finally, I will review the academic literature discussing the chilling effects of Internet surveillance and how the fear of being scrutinized can potentially create issues of free speech in a computer-mediated setting.

Freedom of speech

To provide a focused context for public perceptions of free speech, I will begin my research by providing a detailed breakdown of the legal definition of freedom of speech. I will also pair the legal definition of free speech with concepts of liberty explored by liberal pioneers such as John Locke, J. S. Mill, and John Dewey, with those of later scholars like Milton Friedman and Laura Stein, to explore how free speech is conceptualized by the public in a computer mediate setting following the NSA surveillance leak.

The U.S. First Amendment states, "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof, or abridging

freedom of speech or of the press, or the right of the people to assemble, and to petition the Government for a redress of grievances"(Constitution of the United States of America, 1791/1979: 31). The *Nolo's Plain-English Law Dictionary* (2013) provides this basic definition: "The right to freedom of speech allows individuals to express themselves without interference or constraint by the government" (p. 180). The concept of free speech is not limited to expression but also freedom of information and freedom of inquiry and according to Stone (2008) is the cornerstone of any democratic society. The right to free speech and expression is not only recognized at a national level in the U.S., but is also found at international, and regional levels (Marsoof, 2011). Internationally, Article 19 of the Universal Declaration of Human Rights acknowledges freedom of speech as: "Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media regardless of frontiers" (p. 3). Although the legal definitions under the First Amendment and Universal Declaration of Human Rights provide a basic description of free speech and expression, a variation of understandings and interpretations exist within both the public and academic spheres.

Early political theorists such as Locke and Mill express liberal notions of free speech and posit that private spheres should be exempt from state intervention. The dichotomy between the private and public sphere according to Locke and Mill refers to the division between state and society (Locke, 1688/1996; Mill, 1859/1993).

Specifically, Locke (1688/1996), argues the public should be left to itself and the role of government should be limited to ensuring these private spaces are maintained. Mill, on the other hand, (1859/1993) asserts that government intrusion should be prohibited and believes that free speech rights can--and should be--maintained by the public's ability to self-regulate. It is important to note that the terms intrusion and coercion are used interchangeably throughout this study to describe government interference. Although Locke was an advocate of free speech, to some degree he believed government coercion was necessary for maintaining the ideal conditions for which free speech could occur. Mill, however, objected to any kind of government intervention, and placed a greater faith in the public's ability to self-regulate.

Similar to Locke, neo-liberalists such as Friedman (1962) presume that each individual has inherent rights that should be protected by government (Nozick, 1974; Stein, 2006). The neo-liberalist perspective not only poses that government should maintain a private sphere of individual liberty, but that this is only possible by ensuring the necessary conditions to a competitive marketplace. The marketplace allows an open economy and exchange that "decentralizes power" among a vast group of individual decision-makers (Friedman, 1962: 12-13), creating a neutral space, free from coercion where individuals can exercise their own free will. Dewey (1927/1954) proposes an even more empowering view of liberty, arguing that freedom of speech is critical to the public's ability to engage in social inquiry, develop social knowledge and formulate public opinions. Similar to Dewey (1927/1954), T. H. Green (1881/1991:

21) describes liberty as "social conditions that permit individuals to act on their will."

In order for an individual to act in the social world, these social conditions must be

free from coercion.

More recently, and highly relevant to my study, Stein (2006) has explored First

Amendment normative definitions of how members of the public articulate the

meaning of civil liberty and free speech. Stein (2006) uncovered two conflicting views

of free speech. The first is 'Defensive'; wherein freedom exists in privately controlled

spaces secured against government coercion. The second view, "empowering', holds

that freedom exists in public spaces in which individuals find opportunities to speak,

free from both government and non-government intrusion. This empowering view of

speech rights was revealed by Stein (2006) to be the best approach for a democratic

society.

While it is widely agreed by scholars (Mill, 1859/1993; Green, 1881/1991;

Stein, 2006) that a *laissez faire* attitude is required to promote free speech in a

democratic society, such freedoms can conflict with other inherent rights such as

privacy and security. Creech (2007) asserts that some kinds of speech lose First

Amendment rights when there is a threat to public safety. In this case, competing

rights can call into question our understanding of speech rights, leaving such incidents

to be determined by the courts (Marsoof, 2011).

Public Sphere

The concept of the public sphere, as originated by Jürgen Habermas (1989), describes an arena where meaningful and open communication can occur. Public settings like coffee houses, saloons and bars were the foreground of the public sphere where private people united as a public (Habermas, 1991). The public sphere is able to shape public opinion through rational discourse where opinions and identities are expressed free from coercion. The public sphere, according to Habermas (1989), exists in-between the private sphere, and the sphere of public authority, or ruling class. The private sphere, in this case, refers to personal privacy such as the home, whereas the public sphere of authority refers to positions of power such as government, judges, and police. Also under the sphere of authority is what Habermas describes as the "ruling class"; this is understood to consist of the corporate world and other positions of wealth. The basic normative concept of the public sphere, according to Gimmler (2001) is "uncoerced communication of equal participation with equal access and equal rights to intervene or propose themes" (p. 21).

However, the era of the public sphere as posited by Habermas was short lived. The rise of information access, technology, and the emergent press quickly led to the demise of the public sphere (Van Dijk, 2012). Manipulation of information in the media, advertising and the political realm coupled with an increase in the legal regulation of private life, has eroded what was originally an open public place for political discourse (Van Dijk, 2012). Mass media, once an integral component of the

public sphere, became increasingly "biased by both economic pressures and political preferences to the point where it is now a regulated forum of communication"(Gerhards, Shafer, 2010: p 145). Privileging powerful institutions that feed politics and the economy, while excluding civil society, hinders open public debate and can result in only certain voices being heard (Habermas, 1991).

Kohn (2004) further argues, public life is being undermined by the growing private industry and is limiting the opportunities for free speech. Like Habermas' conceptual view of the public sphere, Kohn (2004) argues that public space is essential to the maintenance of democracy in making it possible to publicize resistance, recognize the needs of others, and organize grassroots campaigns. Without an open and public environment for public issues to be debated and discussed free from coercion, free speech could become vulnerable to new media regulations. Public spaces like shopping malls, outdoor parks and even communities are becoming increasingly privatized (Kohn, 2004). The disappearance of public space is changing the social environment and with the introduction of the Internet, an entirely new public space has been created that has yet to be fully explored (Kohn, 2004). The information era widened the scope of the critical public sphere and many scholars believed new media communication would allow the public sphere to once again flourish (Stein, 2008; Habermas, 1991).

The rise of the Internet as a popular platform with a range of new communication methods has changed the media landscape substantially. Some

scholars (Dalgren, 2001b; Gerhards & Shafer, 2010) believe that this new medium has the potential to drastically change societal communications and may even constitute a "stronger public sphere than what was previously believed of traditional forms of media" (Gerhards & Shafer, 2010: p. 145). New media communication is less regulated by gatekeeping journalists and other institutions, and therefore permits a greater dissemination of information that the public and smaller institutions may not have had access to previously (Gerhards & Shafer, 2010). It was suggested by Dahlgren (2001b) that the Internet might democratize the public sphere, leading to greater political interest and participation among citizens. Dahlgren's prediction was borne out over time. Dueze (2008) describes major changes to the media landscape that have helped democratize the public sphere with the rise of user-generated content, participative journalism and the "proliferation of personalized news delivered online and on mobile devices"(p. 13).

Although new media communication platforms like Facebook and Twitter may meet the criteria for a new public sphere, the number of outlets for public debate available online has drastically increased from previous outlets for discussion in the traditional public sphere, leading to the development of the concept of 'multiple publics'. This notion of multiple publics is prevalent in the literature on the public sphere (Asen & Brouer, 2001; Dahlgren, 2001b). Dahlgren (2001b) further describes these publics as "issue publics" that are created based on discussion of specific issues. An example of Dahlgren's issue publics can be seen with my data set of comments in

an online news forum. The discussion is on one particular issue at any given time, while a plethora of similar discussions could be occurring in other forums.

Comments provided by readers of an online newspaper can be seen to fulfill the criteria of an online public sphere, as proposed by Gimmler (2001). Online readers of the *Guardian* have equal access and equal opportunity to participate in the commenting form free from coercion. As such, discussion on political issues can be expressed within the online public sphere and what these readers express provides some insight into public perspectives of free speech within a computer-mediated setting.

New Media Communication:

As previously noted, the Internet has provided many new avenues for people to communicate. There now exists a variety of new ways to produce, reproduce, send and receive information through computer-mediated technology (Cooke, 2006). Web 2.0 applications such as blogs, Twitter, Facebook, and wikis offer the potential for individuals to become curators and to promote their own message on a global scale (Cook, 2006). Because the web remains the least regulated compared to earlier forms of mass media like magazines and newspapers, it has become a potential tool for democracy as it offers more possibilities for interaction and debate (Castells, 2001). This is perhaps the most important effect created by the Internet, and as noted by

Basque, "it brings people together and facilitates discussion that would not have been otherwise possible through traditional forms of communication" (1995, p.16).

However, the freedom afforded by the Internet created a new wave of dangers that were only a 'mouse click' away. Dangers like child pornography and terrorism prompted regulatory measures. Easy access to information, particularly 'unacceptable' information "created legal liability concerns for Internet service providers (ISP), public access providers, and network administrators" (Cooke, 2006: p. 363). Such fears coupled with the media's tendency to correlate instances of pornography with the Internet led to the implementation of a variety of non-legislative control techniques. Cooke (2006) describes popular methods of control which include:

> Filtering, monitoring and ratings technologies; metadata schemes for describing and organizing Internet resources; Acceptable Use Policies (AUPs) and Codes of Conduct governing network use within institutions and organizations; user education to promote appropriate use of facilities; and requirements for users to sign disclaimers limiting the legal liabilities of access providers. *(p. 363)*

The regulations already in place have critics arguing that such regulatory measures infringe on free speech and expression as warranted by the First Amendment. Lasica (1997) argues against regulatory measures like filtering because there is no guarantee that criminal and 'unacceptable' data are the only elements subject to filtering. He also argues that filtering is too subjective and "constitutes a threat to freedom of speech"(p. 56). Filtering is conducted through meta-data and

labeling schemes that aid in deciphering which information should be excluded. Labeling is a coding system that allows files to be identified without actually opening them, and according to Lessig (2006), can be particularly dangerous. He suggests that labeling can lead to 'upstream' filtering and lack of transparency in restrictions of information access. This lack of transparency is typical of what Lessig has termed 'indirect regulation', where government uses regulatory measures to modify other modes of regulation. Encryption allows individuals to make their conversations and data exchanges untranslatable, which prevents government and other parties from accessing information exchanged. In order to access information and gain control over encryption, the government sought to encourage encryption technologies that left a back door open for the government (Lessig 2006). While the encryption codes caused some controversy, by making certain encryption technologies cheaper, the government is allowing the marketplace to do the regulation for the government, and thereby regulate encryption indirectly.

Indirect regulation as described by Lessig (2006) masks the true source of power and makes government less accountable for their actions. Because technology is complex, people are unaware of the controls operating through technological architecture (Lessig, 2006). The NSA surveillance practices takes filtering and other regulatory measures to the next level. Not only is the government tapping into web users' content, they are doing so in secrecy and as a result are indirectly regulating the

Internet's ability to function as an open and free space for public discourse, potentially inhibiting free speech and expression.

Chilling Effects of Surveillance

While the Internet is celebrated for its democratization potential, these freedoms can be susceptible to censorship and regulatory measures. As previously noted, there is an abundance of research from early theorists such as Locke (1688/1996) and Mill (1859/1993) on the importance of free speech within democratic societies. I will outline some key elements discussed by more recent notable democratic theorists such as Barber and Habermas, who propose that communication processes are essential to a flourishing democracy. These scholars understood that democracy is the best method for reaching social decisions; however, it falls on the public to recognize and take action for and show interest in the greater social good. Habermas (1989) argues these social decisions can be achieved through various forms of communication. Barber (1984) believes that communication allows people to share experiences and perspectives, identify the common good, and govern themselves. Furthermore, democratic states have a responsibility to protect and promote these rights because public discourse is the "foundation of democracy" (Stein, 2006: p. 4).

While countries like the U.S. are described as democratic, the recently unveiled NSA surveillance practices appear to be an attempt by government officials to

circumvent the moral dilemma of protecting the right to privacy and expression and safeguarding domestic security. While the Internet provides opportunity for public inquiry and expression, the architecture of the Internet and interactive media make it "considerably easier to monitor and collect data on individuals' usage compared to traditional forms of media" (Baruh, 2007 p. 188). The surveillance practices executed by the NSA were implemented under the U.S. Patriot Act of 2001 as a means to intercept and obstruct terrorism. While the goal is to protect U.S. citizens, Internet users are subject to government scrutiny and intrusion comparable to what occurred during the Cold War (Baruh, 2007). More recently, Athan Theorharis (2011) argues that the abusive surveillance policies of the Cold War years were repeated in the government's responses to the September 11 attacks and new information technologies, such as Prism, are making the collection of user data even easier. The commitment to secrecy, wiretapping, and counterintelligence was established during the Cold War and used by administrations in power as a hedge against the spread of Communism (Goodall, 2008). Now the same secrecy has been exposed by Edward Snowden as an attempt to defeat not communism, but terrorism.

Moreover, scholars such as Lessig and Kang suggest that intrusions of privacy not only infringe on human dignity but also 'chill' the public's ability to exercise such liberties as speaking and associating with others (Kang, 1998; Lessig, 1999). Accordingly, individuals faced with extensive surveillance may be less likely to participate in open discussion on controversial issues out of fear of being scrutinized

(Schwartz, 1999). Such fears extend even to the workplace, as companies are increasingly turning to the Internet in search of employable candidates. Schwartz (1999) not only argues that new media communication is susceptible to chilling effects, he further suggests that cyberspace is *more* prone to these effects than physical space and face-to-face communication. This concept is further supported by Baruh (2007) who adds: "because our actions in cyberspace leave finely grained trails, the perceived risks associated with digitally accessing a subversive text, whether it is erotic movies recorded on a PVR, or a website on making bombs, is much higher than consuming the same content in real space" (p. 190).

The literature suggests that democratic societies rely on open, uncoerced communication in order to form new opinions, share information and engage in public debate (Stein, 2006; Gimmler, 2001; Stone, 2008). New media communication, as afforded by Web 2.0's ability to create new arenas for public discourse, could allow the public sphere, as described by Habermas (1991), to flourish once again. However, the NSA surveillance practices that were recently revealed, could pose a threat to the Internet's ability to function as an open space for communication. The chilling effect of surveillance as described by Lessig (1999), could change the communication landscape of the Internet, if the public fears the repercussions associated with 'speaking out' about controversial issues. The inability to speak without fear of sanction in new media communication--free from government intrusion--endangers First Amendment guarantees and the democratic ideals of the public sphere.

The questions my research aims to address are: What beliefs about government surveillance of new media communication in public spaces were revealed by the NSA surveillance leak as perceived by those who commented on the article? How do those who wrote comments articulate their understanding of free speech in a news commenting forum? How do people conceptualize government monitoring of the online public sphere, as revealed through online news comments?

METHOD

To analyze the data I performed a grounded qualitative content analysis (Hseih & Shannon, 2005) to explore my research questions. Qualitative content analysis methods are commonly used to interpret meaning from content of textual data "through the systematic classification process of coding and identifying themes and patterns"(Hseih & Shannon, 2005: p. 1278). As previously mentioned, this research project is a case study with a limited data set. The methodology explained in this section may be applicable to more comprehensive studies on public perceptions of free speech within a democratic society.

A grounded, qualitative content analysis was chosen for a number of reasons. First, given that I am working with a limited data set, content analyses provide a rich source of information "infused with history, idiomatic speech and cultural logics of the people who created them" (Lindolf & Taylor, 2011: p.235). Second, the content used for the analysis was readily available, nonreactive and because no consent was needed to obtain the data, ethical concerns are avoided (Lindolf & Taylor, 2011). Lastly, qualitative analysis, as an interpretive tradition, permits the examination of individual interpretations expressed through textual communication that would not have been otherwise possible through quantitative methods.

Research Site

While *The Guardian's* readership is mostly citizens in the UK, they have a strong American readership as well, most of which are highly affluent (The Guardian, 2012). Readers of *The Guardian* are well educated with about 57% of readers possessing a degree or doctorate (The Guardian, 2012). Furthermore, As of June 2012, online readership for *The Guardian* was "30.4 million, with the U.S. accounting for around one-third of total readership, making it the world's third most read newspaper website"(*The Guardian*, June 2012).

It should also be noted that in 2010, *The Guardian* collaborated with Wikileaks and therefore has recently established itself as a news source on free speech and security activism. It should also be noted that Edward Snowden allegedly leaked the NSA surveillance information to Glenn Greenwald, columnist at *The Guardian*, UK, and also the writer behind the June 7th report used in my data set. It should further be noted that Greenwald's focus as a columnist is on civil liberties and U.S. national security issues.

Data Collection

In order to gauge public perception of free speech in a democratic society in relation to computer-mediated communication, I examined comments to an online news article, "NSA Prism program taps into user data of Apple, Google, and others", written by Glen Greenwald and Ewen MacAskill, and published June 7, 2013 in *The*

Guardian, one day after they broke the story about the NSA surveillance leak in the same publication. The article is a 1700-word news piece featured in the World News section of *The Guardian*, and is a factual objective report that provides a breakdown of the NSA surveillance program, Prism. For the analysis, a total of 50 news comments were selected from *The Guardian*, UK, (www.guardian.co.uk) which first received and published the story on the NSA surveillance Prism program from Edward Snowden, former computer specialist who worked on contract for the CIA and NSA.

Although the NSA surveillance revelations specifically affect the U.S. population, the news source chosen for this analysis was from the UK. There are legitimate reasons for selecting *The Guardian.* First, I chose the June 7th article specifically because it provided a clear and detailed description of the NSA surveillance Prism program, with visual examples of the confidential document included within the article. Secondly, *The Guardian* received the leak from Edward Snowden and was the first to publish the article, which may have attracted a greater variety of readers interested in the issue than other publications.

There were a total of 2935 comments on the news story made between June 6th and 8th. Because the article garnered such a large number of comments, it was outside of the scope of my research to examine each of them. Instead, I chose the top 50 comments by selecting the "most recommended" comments from the available drop down key to avoid trolling and other off-topic comments. Although this sample may be missing important information, like comments that were deleted or censored by a

moderator from *The Guardian*, the sampling is intended to offer popular views and opinions of free speech in a computer-mediated setting. By selecting the top 50 comments I gain access to the most popular sentiment based on recommendations from both commenters and users participating in online discussion. As a data set, online news comments offer a rich source for studying social structures and perspectives (Eysenback & Till, 2001) and can provide information on public perceptions of free speech based on readers' reactions to the NSA surveillance practices unveiled a week prior.

Data analysis

A grounded theory analysis is a popular method used among researchers in which the data is grouped and defined as a last step. Allowing the trends to emerge naturally lets the data speak for itself rather than searching the data for predefined categories (Lindolf & Taylor, 2011).   I used a grounded qualitative content analysis (Lindolf & Taylor, 2011), through news story commentary on the NSA surveillance practices, to develop a precise language to describe, interpret, and explain how the public conceptualizes its understanding of free speech and online censorship within online news comments.

The analysis was divided into three phases. The first was a general sentiment analysis of comments divided by whether or not they were 'supportive' 'critical', or 'pessimistic' to government surveillance of computer-mediated communication.

Comments that were neither supportive nor clearly critical of the NSA surveillance practices were classified as pessimistic such as this post by "ehaines": "Why am I not the least bit surprised." Supportive comments in this case study referred to comments that were in favour of the NSA surveillance practices and can be seen in this comment by "holdingonfortomorrow": "Great, it should be possible to pin point potential troublemakers, and neutralize them." Commenters that were opposed the revealed surveillance practices were classified as critical, as seen in "mooncrooks"'s post: " This is highly illegal. They are flagrantly violating the Constitution. Anybody who partook in this program or knew of its existence has broken the law."

Sentiment analyses are subjective and focus on identifying positive and negative opinions and emotions expressed in language (Wilson, Wiebe, & Hoffmann, 2009). A sentiment analysis can be useful for research on public perceptions and provides insight into the user's emotional stance on a particular topic or problem (Padmaja & Fatima, 2013). Furthermore, the use of Web 2.0 platforms like Facebook and Twitter for public debate has created important research grounds for gauging public opinions (Ruiz et al., 2011).

Phase I: Sentiment Analysis

As explained above, a general sentiment analysis was conducted on the 50 "most recommended" comments from *The Guardian* by categorizing comments as "critical", "pessimistic", or "supportive" of the revealed NSA surveillance practices. Commenters who were critical of the NSA's surveillance practices provided numerous

reasons for their disapproval, and used quite uncompromising language, such as this one posted by 'JoeB666': "I believe this behaviour should be considered a crime against humanity. It is a violation of basic human decency. Americans should be in the streets for this highly immoral and secretive global surveillance. Many heads should roll!" Other commenters like "Jopestron" feel the surveillance practices are a legal matter, which is seen with this comment: " It's highly illegal. They are flagrantly violating the Constitution. Anybody who partook in this program or know of its existence has broken the law." Commenters in favour of the revealed surveillance practices also provided various reasons for their support. "Bob Blawblaw" posted: "People should quit worrying about their privacy and be thankful someone is looking out for their safety." This sentiment is further expressed by "georgemichaelroll" who wrote: "What's the problem? If America gets hit by terrorists again, then the security agencies will be accused of nothing doing enough to prevent attacks." Commenters within the pessimistic category were cynical of government surveillance, but were not outright for or against it and posted comments such as this one by "Timecop": "Get used to it. This apparently is how the world works today."

Overall, 26 out of 50 (52%) commenters were critical of the revealed NSA surveillance practices, more than twice the number of comments that supported the surveillance practices (See Table 1 below).

Table 1: Commenter stance on NSA surveillance practices

Supportive	Critical	Pessimistic	Total
8 (16%)	26 (52%)	16 (32%)	50 (100%)

The sentiment analysis revealed that while the majority of commenters criticized the NSA surveillance techniques, 16 out of 50 (32%) commenters were pessimistic of the NSA surveillance practices. These varying opinions led to further development of recurrent themes that may be useful for understanding their perceptions of free speech and expression within a democratic society in a computer-mediated setting.

Phase II: Thematic Analysis

The second phase was an emergent thematic analysis in which I examined recurrent themes within the content of the data. A thematic analysis is a method of identifying, analyzing and reporting patterns and themes within data (Braun & Clarke, 2006). A thematic analysis is a flexible and useful research tool that can provide rich, detailed, and complex accounts for the data analysis (Braun & Clarke, 2006). Themes capture something important in relation to the research questions and represent some level of "patterned response or meaning within the data set" (Braun & Clarke, 2006: p. 82). It should be noted that because I was the sole researcher to analyze the data, it is possible that another researcher could find different themes and patterns.

Themes and patterns were identified by manually noting any word repetition and synonyms that occurred. Repeated words and phrases indicated that these ideas or beliefs were common within the commenting forum. Six main themes were extracted from the data (see Table 2 below). Once the themes were identified, I counted the number of times each theme occurred within the comments in order to gauge which themes were most prominent. Some comments had multiple themes, while others had only one. For example, some commenters believed the surveillance practices were a violation of their civil rights, but also believed it was an abuse of power and felt betrayed because they were lied to, placing the comments in three thematic categories. After my themes were developed I was able to look for similarities and trends. The result of coding and recoding the data resulted in several defined themes.

Table 2: Emergent Themes

Extracted Themes	Definition
Violation of Civil Liberty	Government is violating their rights as citizens by implementing Prism
Abuse of Power	Government is taking advantage of its power over citizens by implementing Prism
Transparency	Governments should be open with the public about their surveillance practices
Fear of Scrutiny	The Prism programs makes the public vulnerable
Hopelessness	Stopping the program is a hopeless cause
Public Safety	Government surveillance is needed to ensure public safety

Phase III: Making Connections

For the final part of the analysis I divided the emergent themes across the sentiment categories. In doing so I was able to see common trends across the sentiments, which helped describe the commenters' reasons for their support, criticism, and pessimism of the NSA surveillance practices. Table 3 (below) provides a breakdown of the themes across the sentiment categories with examples from the data for each theme for further clarification.

Table 3: Emergent Themes and Exemplars

Sentiment	Themes and Exemplars
Critical	**Violation of Civil Liberty:** *"They are flagrantly violating the Constitution."* **Abuse of Power:** *"This is the stuff Stalin would drool over being able to do. No government should have this capability. This is horrific."* **Transparency:** *"Every globally concerned citizen should be writing to their government, imploring them to complain for this immoral and secretive global surveillance"*
Pessimistic	**Fear of Scrutiny:** *"There's no more hiding from governments; they will read your emails, watch your personal videos, they will find you and you will be arrested"* **Hopelessness:** *"So very sad-but seriously, what can we do about it??"*
Supportive	**Public Safety:** *"Great it will make a safer world for all of us."*

FINDINGS AND DISCUSSION

Within the categories of the sentiment analysis (Supportive, critical, and pessimistic), a number of salient themes were uncovered from the commenters' stance of the revealed NSA surveillance practices. As mentioned earlier, the themes were identified by manually noting recurrent phrases and synonyms within the data until every comment belonged to a theme. I then tallied the number of times each theme occurred (See Table 4).

Table 4: Emergent Themes with Occurrences

Sentiment	Theme	Occurrences
Critical	Violation of Civil Liberty	20
	Abuse of Power	15
	Transparency	13
Pessimistic	Hopelessness	13
	Fear of Scrutiny	12
Supportive	Public Safety	8

Critical

Out of the 52% (26 out of 50) opposed to the NSA surveillance practices, the most frequently occurring theme was *violation of civil liberty*, which accounted for 77% (20 out of 26) of critical comments. Commenters in this theme consented that

the NSA Prism program abridges their civil rights to freedom from government intrusion. This concern is voiced by "IronCurtain" in this post: "In a free society the people should not be subject to the arbitrary scrutiny of the state, we should be able to go about our business free from government interference." Some believed that the NSA Prism program was a legal issue and those responsible for implementing the program should face legal sanction. This can be seen in "Jopestron"'s post: "The NSA and Obama administration have broken the law! They have violated the Constitution and should be thrown in jail." Other commenters believed the Prism program was a free speech issue and felt that free speech and expression would be diminished with government intrusion, which can be seen in this comment by "Russian": " Freedom of Speech would seem diminished by being forced to share every single word with governments…" These comments illustrate that the commenters believe that their right to speak freely is an inherent right that should never be suppressed under any circumstance--particularly if it is against government actions.

What is revealed in the above comments support Stein's (2006) research on normative views of speech rights. The commenters in this category believe that freedom exists in public spaces where "individuals find opportunities to speak free from both government and non-government intrusion"(Stein, 2006: p 4). Commenters believe their rights are being violated, and are opposed to any government intervention. As the most common theme among commenters, their beliefs line up with Friedman's (1962) assertion that people have inherent rights like free speech

and the only government involvement should be to protect those inherent rights. What is depicted through the comments demonstrate the important value commenters place on their right to speak freely in new media communication. While the online news article was published in *The Guardian*, UK, approximately one third of their readership is American (The Guardian, June 2012), which could explain the legal reference to the U.S Constitution.

Another overarching theme among the commenters critical of the NSA surveillance was their belief that government was abusing their power by implementing the Prism program. The theme, *abuse of power*, emerged 15 times within the 26 critical comments. Commenters commonly described that government interests are in private industry instead of protection of citizens from crime and terrorism. "Macktan894" illustrates this point with this comment: "They aren't doing it to protect the people. They are protecting an Economy—corporations & profits." This commenter is suggesting that the government is working with private organizations like Google, Facebook and others, simply for a profit. Commenters, such as "ROFLMFAO," add that the Prism program is just another way for those in positions of power to control the population. "Nobody knows what's around the corner, what we do however know is that the people who run the show have more control over our existence now than ever before"

Interestingly enough, this theme was oftentimes paired with the first theme, *violation of civil liberty.* "Splat64" provides an example of this connection between

power and civil rights with this post: "As George Carlin tried to point out to America…if you think you have rights…you don't…You have no rights…only temporary privileges that can be, and are, revoked whenever power requires it." Similarly, "MarkyMark T.O" adds: "Bush, Obama et al have used post 9/11 measures to entrench the totalitarian Patriot Act and treats its populous [*sic]* as criminals first and normal citizens second." These points illustrate the belief that not only is the NSA 'spying' on American citizens; the agency is protecting the interests of corporations as opposed to the rights of individuals. This power struggle is identified by Habermas (1991) who asserts that powerful institutions that feed politics and the economy are privileged over the average citizen and further warns that this privileging could lead to only having certain voices heard, while others remain in the shadows.

Communications theorists (Gorman & Mclean, 2009) argue that new media is liberating by empowering citizens, promoting egalitarianism and tolerance as well as taking back power from large corporations and "returning conversations to the people" (p. 257). While it is believed that new media communication is democratizing, the commenters in this theme believe government is taking advantage of their powerful position by implementing the Prism program and taking away their right to converse free from government coercion.

Another argument that often surfaced within the comments was the belief that a free democratic society should have a *transparent* government. This theme surfaced 13 times within the 26 critical comments, with many of the commenters in this

category using more uncompromising language against the NSA. We can see this strong language through "JoeB666" who wrote: "This is a level of government surveillance unseen in the history of humanity…Americans should be in the streets…for this highly immoral and secretive global surveillance." Another user, "Kells" expressed a similar opinion: "That the government [is] prepared to put their entire population and the rest of the world under such scrutiny is a testament to how far the modern US has strayed from 19th C concepts of liberty." Commenters like "Kells" strongly believe in concepts of free speech as described by early theorists (Locke, 1688/1996; Mill, 1859/1993) that government should leave the people to themselves.

It can be seen within this theme that commenters believe that government should be open with the public about their decisions. The fact that the NSA Prism program was implemented without public consent has caused the commenters to question the transparency of their government. Democratic transparency is seen to be integral to the commenters, and a significant reason for their criticisms against the NSA surveillance Prism program. This theme supports previous research (Beatson & Cripps, 2000) that transparency is an important element in the commenters' conceptualization of free speech and expression.

While the commenters in this theme were not directly concerned about free speech, they were concerned with the secrecy of the Prism program. According to these commenters, a transparent government is essential to a democracy. As

previously outlined in the literature, legal definitions of freedom of speech extend to include freedom of expressions and inquiry. Freedom of inquiry permits the public to access government information that concerns public interests. Withholding information pertaining to the NSA surveillance program has caused the commenters to criticize the NSA Prism program. This link between transparency and free speech is supported by scholars (Emerson, 1976; Mill, 1964) who declare that seeking information is integral for the public to uncover the truth, and is essential to collective decision-making in a democratic society. More specifically, Mill (1964) believed that free speech should be understood as a multi-faceted right that includes the right to express information and ideas, the right to seek information and ideas, and the right to impart information and ideas. This statement shows a clear connection between the commenters' critical stance against the NSA surveillance, and their conceptualization of free speech.

Pessimistic

The second major contending category, which accounted for 32% of the total 50 comments, was pessimistic. As previously discussed, this sentiment contained commenters that were neither for nor against the NSA surveillance Prism program. Commenters in this category were cynical, but not clearly against the surveillance. Two prominent themes emerged within this category. The first salient theme was *hopelessness*. Commenters in this theme, which surfaced 13 times within the 26 comments of the pessimistic category, felt that preventing the NSA surveillance Prism

program was a hopeless cause. This sentiment is displayed by "tosin1107"'s post: "So very sad – but seriously, what can we do about it?? We are doomed." Commenters in this theme were concerned about the NSA surveillance Prism program, but felt there was nothing they could do about it. Further to this, some suggested that government surveillance of user data is old news; it has been going on for years. This can be seen with this comment posted by "Here's a thought...": "...and yet people are flipping out about it NOW? Geeze, guys, it's been going on for over ten years. Isn't the news supposed to be, you know, NEW?" The only answer to this debate, according to commenters in this theme, is simply to get used to the surveillance. Either they have already accepted it, or eventually will as it becomes increasingly normal.

Other commenters demonstrated hopelessness by asserting that no one cares or will do anything about it. "Zeezi" provides an excellent example of this sentiment with this post: "The only thing more worrying than this is the fact that there'll be a little moaning and groaning but nobody will do anything!!!" These commenters are worried about the NSA surveillance practices, but believe no one will speak out against it. Public opinions as described by Locke are attitudes people can express without running the danger of isolating themselves (1881/1991). Locke's argument that public opinion is an integral component to free speech can help explain the hopelessness displayed by the commenters. Commenters, who felt they could do nothing to prevent the surveillance, did not believe that citizen backlash would accomplish anything. By keeping quiet and allowing surveillance to continue, the

commenters are unable to express public opinions without being isolated. Elizabeth Noelle-Neumann (1993) agrees with Locke's (1881/1991) concepts of public opinion but further adds that morally loaded topics that are strongly controversial make the public particularly vulnerable to isolation and can lead to the public withholding their opinions. This fear of isolation is the engine that drives the "spiral of silence" (p. 372) as described by Noelle-Neumann (1993), which is the increasing pressure felt by the public to conceal their views when they feel they are a minority.

The second salient theme among the commenters in this category was their fear of being scrutinized by the government for their actions in new-media communication. This theme occurred 12 times within the 16 comments in the pessimistic sentiment category. Reflecting back to the literature, Dewey (1927/1954) asserts that free speech is critical to the public's ability to form opinions and hold meaningful discussions, and new media communication has allowed new arenas for these discussions to develop. Commenters in this theme displayed a desire to avoid using new media communication like Facebook, Twitter, or even the commenting forum they were participating in. This can be seen in this post by "Scopeys": "Avoid using all technology and go back to talking face to face." Similarly "Erazers" added: "Leave your phones at home. Meet in pubs just as we have for centuries." The commenters believed the answer to avoiding strict government surveillance was to eliminate their chances of being surveyed by boycotting computer-mediated communication. This illustrates the 'chilling effect' previously described by Kang

(1998) and Lessig (1999). Schwartz (1999) warned that the chilling effect of surveillance could suppress the public's ability to engage in public discourses out of fear of being scrutinized. Furthermore, by avoiding the use of new media communication commenters are removing the Internet's ability to act as an important democratic tool for public debate as described by communication theorists Castells (2001) and Basque (1995).

This is an important finding because new media communication has been widely adopted by Americans. As previously mentioned, an astounding 67% of American adults over the age of 18 use social networking sites like Facebook, Twitter, and Google+ (Pew Research Center, 2012). The widespread use of these social networking platforms to hold public discussions have permitted the public sphere, as described by Habermas (1991), to emerge once again (Dueze, 2008; Gerhards & Shafer, 2010). However, commenters suggest that because the revelation of the Prism program, they will stop using these platforms. The findings reveal the potential impact on free expression of the Prism program, because the commenters fear their actions could be incriminating. This finding is evidenced by this post by "Peterroe": There's no more hiding from the government; they will read all your emails and watch all your videos, they will find you and you will be arrested."

Supportive

Only 16% of the total comments (8 out of 50) were supportive of the NSA surveillance Prism program. Their reason for supporting government surveillance was their understanding that the Prism program would ensure public safety. The theme, *public safety,* emerged a in every comment within the supportive category. All of the commenters who supported the NSA surveillance practices voiced that *public safety* was the only reason for their support. These commenters believed that heightened surveillance techniques used by the NSA would provide safety from various criminals. These ranged from terrorists to child pornographers and other dangerous criminals. For example, "nomad" posted: "If they [*sic*] were no surveillance, how would you know who are the terrorists or law breaker? It is comforting to know that someone is looking after my security." Readers like "P. Hardie" went so far as to say: "If you want to be safe, there is a price to pay." What is implicit about comments such as these is their assumption that in order to have national security, the public has to be willing to give up certain liberties.

The commenters in this category support research conducted by Creech (2007), who concludes that some kinds of free speech lose First Amendment rights when there is a threat to public safety. The perceived need for government surveillance is the users' belief that the government needs greater access to information online in order to better protect the American people. Other commenters expressed their gratitude toward the government and took comfort in the fact that

government was taking an interest in public safety. This can be seen with "Bob Blawblaw"'s comment: "People should quit worrying about their privacy and be thankful someone is looking out for their safety." It is apparent in this category that those in favour of public safety are willing to put civil liberties like free speech on the back burner.

Based on the above analysis it is apparent within the comments that there are several competing views of free speech and expression. The rationale for those in favour was the assumption that the NSA Prism program would help ensure national security by removing or intercepting potential threats to public safety. On the other hand, the prevailing perspective of commenters opposed to the Prism program, was that they highly valued their right to speak free from government intrusion in new media communication. However, some commenters were willing to abstain from using computer-mediated communication altogether to avoid scrutiny.

The findings also suggest that commenters believe the Prism program takes away the their ability to know when they are incriminating themselves, and the result can be 'silence' on any subject one could reasonably believe those in power at a given time may find objectionable. The results show that because the public is unaware of the potential consequences of their actions in new media communication, there is a desire to avoid certain technologies, like Facebook, Google, and even news commenting forums such as *The Guardian,* that are vulnerable to scrutiny.

CONCLUSION

This research study has argued that open and uncoerced communication is an important element of the public's conceptualization of free speech in new media communication. A thorough examination popular online news comments through a sentiment and thematic analysis indicate that there are several differences in the public's understanding of free speech in a computer-mediated setting. These differing conceptualizations of free speech were revealed within the overarching and salient themes exposed within the data.

It was revealed that 16 % (8 our of 50) of commenters supported the NSA surveillance practices. These commenters valued their personal safety more than their right to free speech, and were content to give up a measure of their freedom for national security. The perceived need for security is fueled by the government's war on terror post 9/11, and the measures used to achieve such security are comparable to those employed during the Cold War. Commenters were comforted by the fact that government was taking an interest in public safety and believed a level of government interference was necessary to maintain national security. These commenters believe that certain freedoms can be sacrificed when public safety is threatened, which support Creech's (2007) notions that free speech rights can take a back seat when public safety is at stake.

While those who support the NSA surveillance practices feel they are necessary to prevent future disasters like 9/11, the overwhelming majority disagrees with any kind of government surveillance. Of the 50 comments selected for this case study, 52% were opposed to government surveillance, with the majority (20 out of 26) defending their inherent right to express themselves free from government coercion. Their articulation of free speech within *The Guardian* news commenting forum was generally from a legal stance. Some commenters cited the First Amendment, while others cited the Constitution. While thinkers like Basque (1995) believed the Internet would bring people together to facilitate discussions that may not have otherwise been possible through other forms of communication, the findings showed that applying real world laws like the First Amendment to the U.S. Constitution can be problematic when applied to new media communication, particularly because the Prism program not only infiltrates U.S. user data, but those across the globe, where American constitutional rights are no longer applicable.

The aim of this study was not to discuss the legal nature of the NSA surveillance Prism program, but to examine how the commenters conceptualize the meaning of free speech in light of the revealed NSA surveillance practices. The results from this study indicate that many individuals value their rights to free speech and expression in new media communication. The public places their civil right to speak freely from government coercion at the center of their democratic ideals. The inability to hold discussions free from intrusion hinders public debate, which is the backbone

of any democracy (Dahlgren, 2001b). This research study supports notions of earlier theorists' (Locke, 1688/1996; Mill, 1859/1993) views that government should never frustrate free expression in the public sphere under any circumstances.

This research study has also investigated and explored the central importance of online public spaces as forums where individuals can express ideas and concerns free from government intrusion. Out of the 50 comments 32% of all commenters were pessimistic about the NSA surveillance practices. These commenters were skeptical of the surveillance Prism program, but not clearly for or against it. The majority (13 out of 16) of the commenters in this category felt that preventing the Prism program was a hopeless cause. Commenters were worried about their right to speak and express themselves outside of government intrusion, but believed little could be done to stop the Prism program.

Furthermore, as suggested in the literature, online public spaces are integral to a strong democracy and act as an arena for public debate, particularly on issues against government actions. However, an important finding was that Prism takes away the public's ability to know when they are incriminating themselves in new media communication, and the result can be 'silence' on any subject one could reasonably believe those in power may find objectionable. Because the public is unaware of the potential consequences of their actions in new media communication, there is a desire to avoid certain technologies vulnerable to scrutiny like Facebook, Google, and even news commenting forums such as *The Guardian*. This public

'silencing' can suppress the democratic potential of the online public sphere, and can lead to only certain voices being heard, while those of average citizens remain in the shadows. For Americans the right to silence is guaranteed by the U.S Constitution in order to prevent the public from incriminating themselves, and for good reason, because anything you say or "type" can be used against you. Commenters who avoid using new media communication out of fear of being scrutinized contradict notions presented by theorists Castells (2001) and Basque (1995) who thought the Internet would allow the public sphere to flourish and become an important democratic tool.

The methods used in this study may be applied to future communication studies of other online forums to determine whether or not the perception patterns are duplicated elsewhere. It is critically important to any democracy to investigate the implications of limiting opportunities for free speech in new media communication. As new media communication becomes widely adopted, it will become increasingly important to understanding democratic ideals of free speech within these channels of communication. This examination can help foster further research on public perceptions of free speech in computer-mediated communication. This study shows one possible direction for future studies on the implications of government surveillance of the online public sphere, particularly as new media communication becomes even more widely adopted.

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