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March 23, 2016
1:15 PM
Conference Room 414

To: Senate Committee on Economic Development, Environment & Technology
Senator Glenn Wakai, Chair
Senator Sam Slom, Vice Chair

From: Grassroot Institute of Hawaii
President Keli'i Akina, Ph.D.

RE: SCR 35 & SR 16 – REQUESTING THE FEDERAL GOVERNMENT AND ATTORNEY GENERAL OF THE STATE TO EXAMINE WAYS TO REMOVE DEFAMATORY STATEMENTS FROM THE INTERNET
Comments Only

Dear Chair and Committee Members:

The Grassroot Institute of Hawaii would like to offer its comments on SCR 35 and SR 16, which would request the government to find ways to remove or block the proliferation of defamatory statements on the internet.

While we understand the concern for both privacy and reputation that motivates this resolution, we have significant reservations about the means by which these ends are sought and their effect on free speech.

Most significantly, we are deeply concerned about the possibility that such a measure would require search engines to engage in censorship under government directive. Regardless of the purity of the motivation, the effect is a plain infringement on freedom of speech. To pursue such a measure would put us in the company of other governments that restrict search engine results, such as China, Iran, and North Korea. This is not company that a free society should want to count themselves part of.

Moreover, while the resolution imagines that such measures would only apply to cases where a court judgment of libel or defamation already exists, that provision is a fig leaf that cannot cover a broad-based repression of speech. In other words, the resolution seeks to use a sledgehammer to remove a fly. Nor is there any guarantee that the mechanism employed (internet censorship via search engine “block”) would be limited to repetition of the slander as opposed to repressing protected content (e.g. articles reporting on or discussing the judgment, the persons involved, etc.).

In addition to being unconstitutional, the proposed mechanism is also likely to fail for reasons of being impractical and unenforceable. Even assuming that every major search engine agreed to participate (unlikely), the objectionable material would still exist online, raising the question of what is truly being accomplished by this measure. Nor does it envision technological changes, proliferation of statements via social media, etc.

While we have the utmost sympathy for those who are fighting to keep their privacy and maintain their reputation in the chaotic world of the internet, we cannot endorse a broad-based attempt at internet censorship as envisioned in this resolution.

Thank you for the opportunity to submit our comments.

Sincerely,

Keli'i Akina, Ph.D.

President, Grassroot Institute of Hawaii

wakai1 - Lilinoe

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 22, 2016 3:03 PM
To: EET Testimony
Cc: panther_dave@yahoo.com
Subject: Submitted testimony for SR16 on Mar 23, 2016 13:15PM

SR16

Submitted on: 3/22/2016

Testimony for EET on Mar 23, 2016 13:15PM in Conference Room 414

Submitted By	Organization	Testifier Position	Present at Hearing
Dave Kisor	Individual	Oppose	No

Comments: This is getting too close to a first amendment infringement. First of all, who is whining about their feelings being hurt? If you start doing this, it won't be a long stretch for you to remove anything you damn well please. Anonymous will catch wind of it and probably hack into your servers and you will have such sensitive information out there. SR16 is a patently bad idea.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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wakai1 - Lilinoe

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 22, 2016 3:46 PM
To: EET Testimony
Cc: kawaipapanursery@hushmail.com
Subject: Submitted testimony for SR16 on Mar 23, 2016 13:15PM

SR16

Submitted on: 3/22/2016

Testimony for EET on Mar 23, 2016 13:15PM in Conference Room 414

Submitted By	Organization	Testifier Position	Present at Hearing
Christine Davis	Kawaipapa Nursery	Oppose	No

Comments: I oppose this, sounds like censorship. How would defamation be defined? Aren't there laws that could allow the accused defamer due process and be held responsible if their words causing harm, instead of just silencing them?

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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