

Elon Musk, Welcome to the Internet

After months of legal drama, on October 28th, Elon Musk finally took control of Twitter as its CEO.¹ According to Musk, his acquisition was spurred by his belief that Twitter can be a “platform for free speech around the globe.”² However, his plan to usher in a new era of digital free speech has so far materialized into chaos.³

Musk’s first order of business was “democratizing” Twitter, by allowing Twitter Blue users to become “official” verified accounts for only \$8 a month.⁴ In contrast, accounts were previously verified through an application process whereby Twitter meticulously authenticated notable user’s identities.⁵ Musk, whose own persona has been defined by being “online”, should have seen the storm coming.⁶ On November 10th, a verified Twitter Blue account by the handle, “@EliLillyandCo”, tweeted, “[w]e are excited to announce insulin is free now.”⁷ However, the tweet did not come from pharmaceutical company Eli Lilly and Company’s actual Twitter account. The false tweet was an obvious parody mocking both Musk’s Twitter Blue plan, and Eli and Lilly, which is often criticized for price gouging the cost of insulin.⁸

¹ Max Zahn, *A Timeline of Elon Musk’s Tumultuous Twitter Acquisition*, ABC NEWS (November 11, 2022, 2:21 PM), <https://abcnews.go.com/Business/timeline-elon-musks-tumultuous-twitter-acquisition-attempt/story?id=86611191>.

² *Id.*

³ Brian Fung, *A Day of Chaos Brings Twitter Closer to the Brink*, CNN BUSINESS (November 11, 2022, 11:17 AM), <https://www.cnn.com/2022/11/11/tech/twitter-chaos-musk>.

⁴ *Id.*

⁵ *Legacy Verification Policy*, TWITTER (last visited Nov. 19, 2022), <https://help.twitter.com/en/managing-your-account/legacy-verification-policy>.

⁶ Delai Cai, *How Elon Musk Became the Internet’s New Main Character*, VANITY FAIR (July 14, 2022), <https://www.vanityfair.com/style/2022/07/elon-musk-the-internets-new-main-character>.

⁷ Bruce Y. Lee, *Fake Eli Lilly Twitter Account Claims Insulin Is Free, Stock Falls 4.37%*, FORBES (November 12, 2022, 9:50 AM), <https://www.forbes.com/sites/brucelee/2022/11/12/fake-eli-lilly-twitter-account-claims-insulin-is-free-stock-falls-43/?sh=6c8a309541a3>.

⁸ *Id.*

The flood of verified Twitter Blue accounts impersonating brands and public personalities eventually caused Musk to tweet that accounts who did not expressly label their parody would be permanently banned from the social media site.⁹ So much for free speech. In response to heightened criticism from users and advertisers alike, Musk again tweeted the “[n]ew Twitter policy is freedom of speech, but not freedom of reach. Negative/hate tweets will be max de-boosted & demonetized.”¹⁰ That tweet, begged the question, what is a negative or hateful tweet, and just who decides? As, conservative Congressman Thomas Massie responded, absent any transparency, “how is this any different from the old twitter?”¹¹ Indeed, one progressive commentator pointed that Musk’s basic problem is that:

“Twitter was not being run by lefty [social justice warrior] types suppressing free speech, it was being run by businesspeople who were trying to make money. [W]ith the same aim he’ll end up trial-and-erroring his way back to their exact policies.”¹²

While free speech rights conferred to citizens by the First Amendment protect against *government* censorship,¹³ there is no doubt the digital age has pushed the public square into digital forums entirely under private control.¹⁴ As Musk’s recent firings of dissenting Twitter employees demonstrates, he is intent to rebuild Twitter in his image alone.¹⁵ Thus, for better or for worse, there is one man setting the boundaries and limits of speech on one of the internet’s largest forums: Elon Musk.

⁹ Elon Musk (@elonmusk), TWITTER (Nov. 6, 2022, 5:53 PM), <https://twitter.com/elonmusk/status/1589390597798125568>.

¹⁰ Elon Musk (@elonmusk), TWITTER (Nov. 18, 2022, 1:31 PM), <https://twitter.com/elonmusk/status/1593673339826212864?s=20&t=n06BvGXDIU7sLH-KVOX42A>.

¹¹ Thomas Massie (@RepThomasMassie), Twitter, (Nov. 19, 2022, 12:05 AM), <https://twitter.com/RepThomasMassie/status/1593832911211442176?s=20&t=n06BvGXDIU7sLH-KVOX42A>.

¹² @shaun_vids, Twitter, (Nov. 8, 2022, 7:40 AM), https://twitter.com/shaun_vids/status/1589961115752013824?s=20&t=n06BvGXDIU7sLH-KVOX42A.

¹³ U.S. CONST. amend. I.

¹⁴ See generally Kevin McGravey, *Digital Public Forums: Power and Representation in the Internet’s Public Squares*, 42 NEW POLITICAL SCIENCE 253 (2020).

¹⁵ Jaclyn Diaz, *Fired by Tweet: Elon Musk’s Latest Actions are Jeopardizing Twitter, Experts Say*, NPR (November 17, 2022, 12:37 PM), <https://www.npr.org/2022/11/17/1137265843/elon-musk-fires-employee-by-tweet>.