

DADT III – (My) Self-Promotion and “Your” Causes

Over a considerable period of time, starting in about 1996, political and social writing, as mostly self-published, has become my “second career”, even as my original career in (largely mainframe) information technology dwindled after my layoff and retirement at the end of 2001, after 9/11.

This activity became my main “accomplishment” and source of “identity” even though I did not make much income from it. Both the substance of what I published, as outlined in the first essay, and the way I delivered it combine to create

Originally, I was attracted to self-publishing with books, my first book being printed by a book manufacturer, and later with conversion to print-on-demand. I had built up somewhat a word-of-mouth reputation by getting articles on the military gay ban published in small journals in the 1990s.

It’s well to mention right off home plate that the POD book self-publishing business is seen as controversial by some people. There are claims that it encourages flagrant amateurism and dilutes the value of reading. There are complaints about the business models of the companies, which sometimes charge high fees, pay low royalties, and make it difficult for authors to purchase production galleys after contracts end. In fact there are a variety of models, and some companies that are “selective” charge less, and some publish only certain genres (like Christian). In the last few years, most of these companies have pushed authors harder to purchase services that are supposed to lead to actual book and Kindle or Nook sales than they used to. All book publishers, including subsidy, cooperative or self-publishing supporters, require authors to sign contract clauses requiring them to indemnify the publishers against any litigation costs, even if frivolous; in practice these clauses have so far rarely been invoked.

After moving to Minneapolis in 1997 in a corporate job transfer somewhat related to a need to avoid conflict of interest with my writing, I was able to sell the book somewhat with personal networking based on “degrees of separation”. I started maintaining footnotes on the book on associated websites, and by the end of 1998, the capability for people to find me with search engines (mainly Google) was rapidly becoming the main way I would get known. That has largely remained the case until this day.

I believe that my presence on the Web, with most material free for all visitors, was important in the resolution of several issues, including “don’t ask, don’t tell”, sodomy laws, and Internet censorship laws, including COPA (which would be overturned) and other proposals which would not pass Congress. My presence, with its concentric style of presenting “opposing viewpoints”, made it more difficult for partisan or heavily lobbied positions to prevail, as others would learn about the shallow way positions had been argued.

But this is possible largely because the legal climate right now shields Internet service providers from downstream liability in most situations (DMCA safe harbor for copyright and Section 230 for libel). If service providers were regarded as “publishers” or “distributors” rather than “utilities”, it would not be feasible for them to screen most items posted on the Web, so the opportunity for amateurs to enter the market and make a difference could not exist. Section 230 also protects bloggers from liability for comments made on their blogs (usually). As with books, service providers often require content “publishers” to accept indemnification as part of their “terms of service”, but the downstream liability

protections make this point pretty moot. Another point of legal controversy would concern downstream liability for search engine results.

Modern “social media” have tended to concentrate the financial and political influence of service providers in fewer super-companies. Myspace was the first big example, but Facebook and Twitter seem to rule the world now. These companies introduced the idea of limiting blog postings to lists of approved “friends” or “followers”. That would seem to reduce the effectiveness of online “self-broadcast”, but in the other hand for many users it guarantees that scores to hundreds or thousands of users will see every post.

There are elements in our culture who believe that these downstream liability protections should not exist. One reason may be that they see service providers as just having deeper pockets. A more disturbing reason is that they see that serious Internet speech often comes from individuals who take fewer responsibilities in life for others. On the other hand, minors, when turned loose on the Web, are almost impossible to police and tragic misuses, ranging from cyberbullying to “revenge porn” to outright child pornography or advocacy of violence, will surely occur. Terrorists depend on the Internet to cause “self-radicalization” of immature or disaffected young men.

So there has developed a wide variety of laws, proposals, court cases, and plaintiff behaviors that can represent an “existential” threat to the free entry system that enabled me to become and remain effective on the Web. A few years ago these focuses on censorship protecting minors (CDA and COPA); later they focused on piracy (such as SOPA and Protect-IP). Various explicit proposals, by one from state attorneys general, to weaken Section 230 still circulate. In addition, “copyright trolls” have (after purchasing “rights” to newspaper or other content) filed mass lawsuits against bloggers, many of them legally dubious, to force bloggers to pay to defend themselves. A similar mechanism exists with “patent trolls”. And in some cases “bullies” file SLAPP lawsuits against individuals or organizations that criticize them, forcing people with few resources to endure the expense of legal defense of “libel” claims the plaintiffs know are legally frivolous. Some lawsuits have also occurred over domain names, which are purported to infringe on older trademarks (or are sometimes taken out to parody or criticize a service). I’ve wondered if we will see calls for mandatory insurance (or trying to force property companies to insure liability for online activity – some companies do, but they will gradually find that this is impossible to underwrite).

But one of the biggest issues to emerge in the past fifteen years is “online reputation”. Since I am so visible to search engines (and the indexing was always free, without any special effort on my part), anyone, including an employer or subordinate at work (or a student if I’m a teacher or professor who can grade his or her work) can judge my views and the quirks of my own opinions about people. This could become disruptive in the workplace if I were anything other than an individual contributor (as I was most of the time when I worked in mainframe information technology). This issue was largely ignored until around 2001 or so. After 9/11, employers started to become more aware of the potential problem. It was possible for a person’s online reputation to be affected by what others said, particularly when that material was posted within the scope of search engines and especially as new books (including the volume of self-published books) were indexed on line and made searchable. (That can pose a twist for applying Section 230, the details of which are too much to state right here.) By 2006, workplace pundits were warning job applicants about online reputation (or “digital dirt”), particularly with respect to MySpace and later Facebook and Twitter. Companies like “Reputation Defender” were

formed to help people clean up their online presence and to go after people who trashed them. In time, search engines seemed to get less attention as part of the problem, as so many incidents seemed to stem from cyberbullying or stalking by immature people (often teens), or people bent on revenge or crime. Content whitelisted for private friends' lists could easily be sent elsewhere, and often was. People learned that digital objects never disappear completely. Unlike food, Internet content could not spoil.

Of course, into this soup of danger lived, of course, malware and Trojans and viruses. Generally, people who used industry-recognized antivirus software and behaved sensibly online didn't have a lot of problems. But families, with immature kids and naïve parents, had trouble. Home computers could be commandeered to send spam or participate in denial-of-service attacks. People's names could be spoofed as senders. Generally these have not resulted in legal liability for users, but the possible legal consequences are not always totally clear. One of the worst possible scams would be to "frame" someone for possessing or sending child pornography (as by wardriving around a router) and a few false arrests and prosecutions in this situation have happened. People who use P2P (peer-to-peer) computing generally have run more legal risk (as they have also been more likely to be sued for illegal downloads and copyright infringement).

Although I sought to brand my name with my content, some people prefer anonymous speech, particularly overseas where people protest authoritarian governments. Yet Facebook is become insistent that people use their real names online, and other companies have migrated toward encouraging use of only real identities. In my view, if I use my public identity my speech carries more weight, but that can make my speech present more personal risk to me and possibly others associated with me. Since Facebook is so powerful right now and insists that "double lives" are unethical, employers have sometimes been able to hijack associates' (especially those in sales) social media presence for their own corporate or political purposes, turning social media use into a mandatory mechanism of social conformity.

I did get some volume of feedback to my content over the years, on my own self-broadcasted materials. I spoke publicly about my book four times while living in the Twin Cities (one speech was shown on cable television) and did attract word-of-mouth sales and comments for some time. Over the years, of course, with older books, sales dwindle. And the nature of automated email communication becomes cheesy, with many silly sales schemes and scams, including some downright phishing attacks.

Is this a reflection on amateurism? Perhaps, but I think it's more a reflection of economic reality. Good jobs go overseas, and people are left to sell to one another with some degree of desperation. And the Internet, for all the sharing of social media, also encourages people to remain "alone together" and sometimes place less emphasis on social contact where there is real complementarity of need.

Once I had made myself a "public figure" with respect to controversial issues, I found there is no going back. I would indeed see myself as working again in the news media where there is a stated intention of journalistic objectivity. But I cannot simply sign on to peddle someone else's wares, because that would create a conflict of interest. I cannot let someone "give me the words", and I cannot manipulate others into doing the bidding of still more others. And I cannot change and tailor or "simplify" the content I publish if it changes the meaning or high concept, just to make money or to

appease some other party. I can win arguments, but I don't solicit people or proselytize to win "converts".

There are some aspects to my body of writing that some may see as troublesome. They tend to reiterate past events with real people. Since most of the disturbing narratives are set in the distant past, the other people involved are not easy to identify, and the material is not defamatory (in large part because, when "negative", it's true). In some fiction, mostly yet to be published, I am "on the scene" and certain kinds of details cannot be altered without changing meaning, but I don't see any real practical risk of compromising anyone. More disturbing, according to some feedback, is what appears to be self-deprecation or maybe even self-defamation. These issues occur with respect to my depicting some earlier issues of physical or emotional "cowardice" (with respect to leveraging my education to stay out of Vietnam during the draft era after helping indirectly to send others to combat, and later in the eldercare area, in the issue of using help), or in, particularly in one bizarre incident that occurred partly through coincidence when I was substitute teaching, showing myself (or a fictitious avatar) as vulnerable to "temptation", perhaps leading to the remote possibility that others might actually be enticed. But if you're really going to become a "writer" or "literary figure", some will say, you really have to get outside of yourself and care about characters or real people not previously in your own orbit.

I have indeed taken advantage of a legal and cultural environment which may have been friendlier to amateur self-publishing (even of "knowledge spam"), without following the norms of competition in other areas, than it might have been. The environment could change, and it could become more difficult to continue than it has been. Furthermore, in the years following my initial self-publication (and particularly after 9/11 and my involvement with eldercare), I have found that people often approach me to become involved in personal situations in which I would have actually been unwelcome before. This may have happened in large part because, ironically, technology makes it possible to do more for people in need (especially medically) and also publicizes the need, creating a certain community awareness that was not as visible when I was growing up decades ago, despite all the religious ideas of "fellowship". Risk taking for the benefit of others can put one (or "me") in a position of needing to accept closeness from others whose company might have been unwelcome in the past, where there was so much "upward affiliation" expressed. Today, it has gotten to the point that once I have made myself visible or findable, insularity gets interpreted as hostility. For my activities to continue, there could develop an environment that requires more collaboration or third-party involvement. Sometimes the "threats" do send my thoughts spiraling down in a negative direction. I do have to face an existential question: why should I seek to influence things if I don't "care" personally more about people who can be affected? Indeed, there is a bit of a chicken-and-egg paradox. To be helpful to people, in a way that tends to lead to permanent relationships with descendants (even in a "modern family" setting), one needs to "belong" to a group, too, but that doesn't happen if social skills – that make helping people seem rewarding in its own right – don't develop because of a humiliating or overly competitive context, or because it's necessary to see "everybody do it". There is always a necessary social context for self-expression.