

The Gift of Gab: Pennsylvania AG Abuses Authority to Chill Internet Speech

On November 8, Pennsylvania attorney general Josh Shapiro's office issued a subpoena to web host and domain registrar Epik, "pursuant to "an ongoing civil investigation." The subpoena demands "any and all documents which are related in any way to Gab."

Gab, as you've no doubt heard, was accused Pittsburgh synagogue killer Robert Bowers's social media platform of choice. In the wake of the Tree of Life massacre, the site was cut off by its web host (Joyent), domain registrar (GoDaddy), and payment processors (PayPal and Stripe). After more than a week offline, it found a new home courtesy of Epik.

While Shapiro and company remain mum as to the subpoena's purpose (and in fact asked Gab not to publicly disclose it, a request the site's owners declined to honor), there's nothing unclear about that purpose. Shapiro is abusing his position of legal authority to intimidate those who do — or might do — business with Gab, in hopes of driving it back offline.

In recent years, larger social media platforms like Facebook and Twitter (followed by payment processors, web hosts and domain registrars) have acted with ever-increasing vigor to silence selected voices in the public square.

Their excuses range from "Congress says they're terrorists" to "that's fake news" to "meddling in elections" to "hate speech," but visibly looming over every such action is the shadow of potential government force.

The chilling message to social media companies from assorted agencies and congressional committees boils down to a thinly veiled "if you don't censor for us 'voluntarily,' we'll force you to."

Shapiro isn't talking to domestic news about the subpoena, but last month he was fairly forthcoming about his motives with foreign media. "My office is reviewing this platform [Gab], which was used by the killer to spread his hateful messages," he told Israeli newspaper *Haaretz*, adding that "[w]e cannot tolerate" "speech that includes incitements to violence" or sites that "explain how violence is going to occur."

Subpoenas to Gab itself might have served an understandable legal purpose — for example, determining whether Bowers acted alone or used the platform to conspire with others prior to the attack.

The only plausible purpose of this subpoena is to intimidate those who might provide microphones to speakers Josh Shapiro doesn't want the rest of us to hear.

Josh Shapiro is proving himself far more dangerous than Gab. It is he who should be investigated — and hopefully shut down.