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If Dr. Martin Luther King, Jr. had a Twitter Account: A Look at Collective Action, Social Media, and Social Change

Stacy A. Smith*

INTRODUCTION

If Dr. Martin Luther King, Jr. had a Twitter account, what would he Tweet?¹ Perhaps the following: “My #dream has been realized. People of all races are working together politically and socially.” Or would he say, “Much work remains to be done. Meet at the Capitol at noon Thursday and let’s get to work!”

Obviously, no one knows what Dr. King would say, but it is well-known from US history that Dr. King was a major influencer of the Civil Rights Movement through his leadership and courage.² His contributions continue

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¹ See generally, TWITTER, <https://twitter.com/> (last visited June 24, 2013). A Tweet is a posting on the social media site Twitter that enables users to share thoughts and to read and comment on other’s posts over the Internet. TWITTER, <https://about.twitter.com/press/brand-assets> (last visited Feb. 23, 2014). Although Internet technology was not available during the Civil Rights Movement, imagining what Dr. King would post gives an interesting perspective from which to discuss collective action in the mid-1900’s as compared to current times. *Id.*

² See generally, HERB BOYD, WE SHALL OVERCOME: THE HISTORY OF THE CIVIL RIGHTS MOVEMENT AS IT HAPPENED (2004) (chronicling the significant events and key figures of the Civil Rights Movement).

to be felt even in the year 2013, which marks the 50-year anniversary of Dr. King's "I Have a Dream" speech and the nationally organized March on Washington Movement.³ In the 1950s and 60s, Dr. King had no Twitter to Tweet the latest in news about the movement, nor was there Facebook for Dr. King to update his status so protestors could know where he was about to speak or how he was feeling on a particular day.⁴ But somehow word spread of sit-ins, boycotts, rallies, and marches.⁵ Even without the technological communication depended on today, thousands of participants were a part of the Civil Rights Movement, not accidentally, but by an organized collective action that moved people to protest against the wrongs that had been committed against Americans for centuries.⁶

Fast-forward to the 21st century. In today's digital age, the Internet has become "a global experience that transcends language, culture, and philosophy, permitting the transfer of information across borders and time zones instantaneously."⁷ Prior to the widespread use of the Internet, individuals turned to the close-knit ties of family and friends when they needed to discuss a problem. If individuals had a cause they truly believed in, they brought the issue up at church, or contacted their legislator or the local news station. Yet, the Internet—and specifically the use of social

³ *Id.* at 155.

⁴ Dr. King's "Letter from a Birmingham Jail," written while Dr. King sat in a prison cell, expressed his feelings of racial justice using one of the public address platforms available at the time. S. JONATHAN BASS, BLESSED ARE THE PEACEMAKERS: MARTIN LUTHER KING, JR., EIGHT WHITE RELIGIOUS LEADERS, AND THE "LETTER FROM BIRMINGHAM JAIL" 1 (2001). The letter has been considered as capturing "the essence of the struggle for racial equality," and it is one of many letters Dr. King wrote while imprisoned. *Id.* Dr. King's letters can be compared to the blog and social media posts of today in that the letters expressed Dr. King's thoughts and were shared with the public.

⁵ See The Social Welfare History Project, *March on Washington, DC for Jobs and Freedom*, Aug. 28, 1963, available at <http://www.socialwelfarehistory.com/eras/march-on-washington/> (last visited June 24, 2013).

⁶ See DENNIS CHONG, COLLECTIVE ACTION AND THE CIVIL RIGHTS MOVEMENT (1991); see also The Social Welfare History Project, *supra* note 5.

⁷ CAROLYN ELEFANT & NICOLE BLACK, SOCIAL MEDIA FOR LAWYERS: THE NEXT FRONTIER XV (2010).

media—has become a common platform for numerous causes—from issues that affect one’s family to problems impacting an entire country—as well as a tool to organize collective action in an effort to spur change.

This paper posits that the use of social media for social justice has evolved as one of the primary tools individuals and organizations leverage as a means to collectively affect social change. During the Civil Rights Movement, protest leaders and participants used the telephone, distributed leaflets, held mass meetings, and talked to spread the words of protest.⁸ People today are using the power and reach of social media to impact policy reform.⁹ To examine this evolution, Part I begins by defining social media, focusing on Twitter, Facebook, and YouTube, and outlining the benefits of using social media. Part II introduces and defines collective action. Part III reflects on the impact collective action had on the Civil Rights Movement through the 1950s–1960s: bus boycotts, student sit-ins in the South, and the March on Washington. Part IV evaluates present day collective action events largely influenced by social media, including international social movements in Russia, Egypt, and Tunisia. Additionally, Part IV evaluates social movements within the United States, including Occupy Wall Street and an in-depth case study of the immigration reform movement. To contrast the era of the Civil Rights Movement with present day movements, Part V discusses how each of the demonstrations were organized and publicized and whether participants achieved their goals. Finally, Part VI discusses the legal implications surrounding social media use and the lawyer’s role in this dynamic.

⁸ See generally, Jamie J. Wilson, *Civil Rights Movement* (2013).

⁹ See generally, Cynthia R. Farina, Paul Miller, Mary J. Newhart, Claire Cardie, Dan Cosley, and Rebecca Vernon, *Rulemaking in 140 Characters or Less: Social Networking and Public Participation in Rulemaking*, 31 PACE L. REV. 382 (2011), available at <http://digitalcommons.pace.edu/cgi/viewcontent.cgi?article=1772&context=plr>; Gil Pizano, *How Much Has Social Media Changed Society? SOCIAL NETWORKING*, <http://www.shoutmeloud.com/how-much-has-social-media-changed-society.html> (last visited June 24, 2013).

I. SOCIAL MEDIA DEFINED

Social media is defined as any of the myriad of websites “that are based on user interaction and user-generated content.”¹⁰ Social media use has exploded over the last two decades to include 900 million Facebook users, 400 million Twitter account holders, and millions of viral videos posted online, the majority of which can be found on YouTube.¹¹ Social media sites are dynamic because they allow the public to create its experiences, as opposed to websites that retain control over published content and overall user experience.¹² Social media sites generally have three defining characteristics: “(1) the information being posted is not [necessarily] directed at anyone in particular; (2) the information being posted can be . . . discussed . . . ; and (3) the information posted includes an easy way to share it with people not included within the scope of the original post.”¹³

Because the scope of this paper includes Twitter, Facebook, and YouTube specifically, it is helpful to understand the background of each and how they work.

A. Twitter

Twitter was founded in 2006 and has quickly grown popular.¹⁴ According to the website, Twitter is a “real-time information network that connects people to the latest stories, ideas, opinions and news.”¹⁵ Twitter users can

¹⁰ Daniel S. Goldman, *Social media 101—What is social media?* HEALTH L. HANDBOOK § 8:1 (2012).

¹¹ These statistics were current as of March 2012. David Goldman, *Facebook Tops 900 Million Users*, CNN MONEY (Apr. 23, 2012), <http://money.cnn.com/2012/04/23/technology/facebook-q1/index.htm>; Shea Bennett, *Twitter on Track for 500 Million Total Users by March, 250 Million Active Users by End of 2012*, ALL TWITTER BLOG (Jan. 13, 2012, 6:00 a.m.), http://www.mediabistro.com/alltwitter/twitter-active-total-users_b17655; YouTube Press Room, <http://www.youtube.com/yt/press/> (last visited June 24, 2013).

¹² Aaron W. Brooks, *Social Media 101*, GPSOLO, 29 No. 3 GPSolo 54, at 54, 55 (2012).

¹³ *Id.*

¹⁴ Nicholas Carlson, *The Real History of Twitter*, BUSINESS INSIDER (Apr. 13, 2011, 1:30 PM), <http://www.businessinsider.com/how-twitter-was-founded-2011-4>.

¹⁵ *About Twitter*, TWITTER, <https://twitter.com/about> (last visited Apr. 8, 2013).

send 140-character messages, or “Tweets,” over the Internet or via a cell phone text message.¹⁶ Known as a “news aggregator” that allows followers to choose whose Tweets they want to follow and what news they want to receive, oftentimes Twitter is the place users first hear about major breaking news.¹⁷ For example, “the first reports of Osama bin Laden’s death and the crash of US Airways Flight 1549 were made through Twitter.”¹⁸ Twitter is structured in a way that lends itself to promoting causes and social action.¹⁹ With just one Tweet, millions of people around the world can “learn about or show their support for positive initiatives that might have otherwise gone unnoticed.”²⁰

B. Facebook

Facebook, founded in 2004, is “far and away the largest social media site in the world, and it is quickly becoming the main repository of information and personal connections.”²¹ Facebook subscribers create a profile, “send and receive text updates up to approximately 60,000 characters long,” and upload photos, article links, and external website links in messages, called “posts.”²² The posts are listed on a subscriber’s individual page in chronological order in a historical timeline fashion so people can follow day by day, hour by hour, or even minute by minute what a subscriber is doing or has done.²³ Facebook users have friends who read and contribute to posts and status updates.²⁴ As of October 2012, Facebook claimed one billion active users.²⁵ Facebook’s mission is “to give people the power to share and

¹⁶ Brooks, *supra* note 12, at 54, 57.

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ *About Twitter*, TWITTER, <https://twitter.com/about> (last visited Apr. 8, 2013).

²⁰ *Id.*

²¹ Brooks, *supra* note 12, at 54, 55.

²² *Id.*

²³ *Id.*

²⁴ *Key Facts*, FACEBOOK, <http://newsroom.fb.com/Key-Facts> (last visited Apr. 8, 2013).

²⁵ *Id.*

make the world more open and connected,” and with millions of subscribers, it appears to be doing just that.²⁶

C. YouTube

Founded in 2005, YouTube is a social media site that allows users to upload videos as often as they like.²⁷ It provides “a forum for people to connect, inform, and inspire others across the globe” through originally-created videos.²⁸ YouTube’s vision is to give everyone a voice and to evolve video.²⁹ Just five years after its founding, YouTube exceeded two billion views a day and is used in 43 countries.³⁰ YouTube has globally impacted how people use social media. According to YouTube statistics, 500 years of YouTube video are watched every day on Facebook, over 700 YouTube videos are shared on Twitter each minute, and 100 million people take a social action on YouTube, such as likes, shares, and comments, every week.³¹

D. Benefits of Social Media

Social media networks have the benefit of incredible speed in reaching a broad audience.³² Because social networks are so interconnected, a Facebook post or Tweet can instantly be sent to hundreds, or even thousands, of people who can then share the information with their followers or friends.³³ This rapid spread of information is due to the fact

²⁶ *Facebook About*, FACEBOOK, <https://www.facebook.com/facebook/info> (last visited Apr. 8, 2013).

²⁷ *Press Room*, YOUTUBE, <http://www.youtube.com/yt/press/> (last visited Apr. 8, 2013) [hereinafter *Press Room*].

²⁸ *About YouTube*, YOUTUBE, http://www.youtube.com/t/about_youtube (last visited Apr. 8, 2013).

²⁹ *Press Room*, *supra* note 27.

³⁰ *Id.*; *Statistics*, YOUTUBE, http://www.youtube.com/t/press_statistics (last visited Apr. 8, 2013) [hereinafter *Statistics*].

³¹ *Statistics*, *supra* note 30.

³² Goldman, *supra* note 10, at §§ 8:5, 8.6.

³³ *Id.* at § 8:5.

that “[m]any individuals have huge social networks consisting of thousands of friends . . . and . . . followers on Twitter.”³⁴ Celebrities, for example, often use social media to keep their fans informed, but individuals also use social media to get their story out to the public.³⁵

Public excitement about and interaction with social media is fueled by the very powerful concept of virality.³⁶ Virality has been defined as “the percentage of people who have created a story from a post out of the total number of unique people who have seen it.”³⁷ For example, if a celebrity posts a photo on Facebook that is viewed by her 20,000 friends and 2,000 of these friends share the original posting, “like” the photo, or comment on the photo, then the photo will have reached a virality of 10 percent.³⁸ That one photo has gone viral and could potentially be shared repeatedly to take on a life of its own.

As evidenced by the number of social media users, it is clear that many people use social media to communicate, to inform, and to connect.³⁹ However, people are also using social media to further social causes and to influence people to act collectively towards a common goal.⁴⁰ To examine this issue, it is necessary to first discuss what collective action is and how it works.

II. COLLECTIVE ACTION DEFINED

Collective action is not a new concept; rather, it is a concept that has been used for centuries and that has resulted in changed laws and societal

³⁴ *Id.* at § 8:6.

³⁵ *Id.*

³⁶ Brooks, *supra* note 12, at 54, 55.

³⁷ *Id.*

³⁸ *Id.*

³⁹ Ray B. Williams, *Can Social Media Ignite Social Change?* WIRED FOR SUCCESS (Oct. 12, 2010), <http://www.psychologytoday.com/blog/wired-success/201010/can-social-media-ignite-social-change>.

⁴⁰ Sarah Perez, *How to Use Social Media for Social Change*, READWRITE (May 21, 2008), http://readwrite.com/2008/05/21/how_to_use_social_media_for_social_change#awesm=-o9JG7s8Uf3Bv9z.

norms.⁴¹ Collective action is “large-scale political action that is motivated by such public concerns as the environment, peace, civil rights, women’s rights, and other moral and ideological issues.”⁴² The major premise of collective action is that “people are rational actors whose decisions are guided by rational calculations.”⁴³ Rationality can be defined as “a delicate combination of thinking as well as feeling” where a rational person is driven by the pursuit of private and social goals.⁴⁴ While social goals derive their meaning and value from a social collectivity, private goals are ones that “do not require the consideration of other individuals for their contemplation and enjoyment.”⁴⁵ However, this does not mean there must be a direct benefit for a person to participate in a movement. Rather, other motivations, such as sympathy, may move a person to participate.⁴⁶ Participants can benefit directly or indirectly so long as there is a dividend of some sort and a feeling that their participation is not in vain, but is instead making a difference.⁴⁷ Therefore, leaders of collective action movements must have an understanding of private and social goals and use this knowledge to implement specific strategies to continue a movement forward.⁴⁸

One of the first considerations leaders must take into account is gaining and keeping participation.⁴⁹ Sociologists posit that a movement with a large number of participants can be a motivating factor in encouraging others to participate in order to either be a part of something memorable, or to have an impact in the movement.⁵⁰ An individual protestor typically will not see

⁴¹ See generally CHONG *supra* note 6.

⁴² *Id.* at 1.

⁴³ *Id.*

⁴⁴ *Id.* at 1-2, 54.

⁴⁵ *Id.* at 2.

⁴⁶ *Id.* at 3.

⁴⁷ *Id.* at 173.

⁴⁸ *Id.*

⁴⁹ *Id.* at 175.

⁵⁰ *Id.* at 175-76.

the same benefits acting alone as a similarly situated protestor who acts collectively.⁵¹ Thus, leaders can gain momentum for a movement by revealing that there is a support-base and that participants are not alone in working towards the goals of the movement.⁵²

Secondly, leaders can also maintain participation by establishing and recognizing quick victories.⁵³ Often, actual progress with social movements can be slow.⁵⁴ Leaders may have a long-range objective that will take many steps to achieve. But taking small, yet significant, steps along the way can compel the movement forwards.⁵⁵ Even small victories show that the movement has a level of proficiency and success, establishing the viability of the movement and making the overall movement attractive to others.⁵⁶ Definitive measures of success are important not only to gain additional participation, but also for leaders and participants to know when a goal has been reached, whether it is an end goal or significant, smaller goals.

Collective action has been working for centuries with success in getting large groups of participants motivated to see change. The Civil Rights Movement illustrates the progression of collective action that had a major impact on American life and that used fascinating strategies to gain participants and keep them motivated.⁵⁷ In more recent history, there has been a surge of collective action movements fighting for social justice, many of which used social media to gain popularity. To understand collective action in the mid-nineteenth century and in the new millennium, it is necessary to look beyond the law being passed and the news being covered and examine what happens behind the scene during the social movement. What this examination shows is that collective action rarely

⁵¹ *Id.* at 91.

⁵² *Id.* at 173-76.

⁵³ *Id.* at 176-77.

⁵⁴ *Id.* at 177.

⁵⁵ *Id.*

⁵⁶ *Id.* at 175, 177.

⁵⁷ *See* CHONG, *supra* note 6.

happens by accident; it takes someone to lead it and supporters who believe they can make a change in the law and society.

III. COLLECTIVE ACTION AND THE CIVIL RIGHTS MOVEMENT (1950S-1960S)

August 28, 2013, marked the 50-year anniversary of “the most well-known and most quoted” address Dr. Martin Luther King, Jr. ever delivered—the I Have a Dream Speech.⁵⁸ As the keynote speaker of the 1963 March on Washington in Washington, D.C., Dr. King addressed millions of people through his televised speech.⁵⁹ Hundreds of thousands of people came from cities around the United States to witness, as Dr. King said, “what will go down in history as the greatest demonstration for freedom in the history of our nation.”⁶⁰

The March on Washington is just one example of the numerous demonstrations conducted during the Civil Rights Movement of the 1950s–1960s. Meticulously organized and specifically conducted, demonstrations such as bus boycotts, student sit-ins, and marches were non-violent expressions of protest that showed the nation not only how collective action worked, but also how it could be an effective way to impact social change.⁶¹ Yet, there was no Twitter feed to alert participants of when to meet and where. There was no Facebook status update to tag that someone was at the Washington Monument and about to listen to Dr. King speak. Nonetheless, thousands participated in these demonstrations. The bus boycotts provide a stirring example of such demonstrations.⁶²

⁵⁸ A TESTAMENT OF HOPE: THE ESSENTIAL WRITINGS AND SPEECHES OF MARTIN LUTHER KING, JR. 217 (James M. Washington ed. 1986).

⁵⁹ See EYES ON THE PRIZE: AMERICA’S CIVIL RIGHTS YEARS (Clayborne Carson, David J. Garrow, Vincent Harding, Darlene Clark Hine, & Toby Kleban Levine eds., 1987).

⁶⁰ EYES ON THE PRIZE, *supra* note 59; TESTAMENT OF HOPE, *supra* note 58, at 217.

⁶¹ See ALDON D. MORRIS, THE ORIGINS OF THE CIVIL RIGHTS MOVEMENT: BLACK COMMUNITIES ORGANIZING FOR CHANGE (1984).

⁶² *Id.*

A. Bus Boycotts

The bus boycotts of the Civil Rights Movement were especially poignant and important to the support of the movement because the bus represented “one of the few places in the South where blacks and whites were segregated under the same roof and in full view of each other” and “dramatized the painful humiliation of the Jim Crow system.”⁶³ “For bus boycotts to be successful, masses of blacks had to participate and cooperate,” and when this collective action occurred, “economic and social disruption resulted.”⁶⁴ While there were a number of bus boycotts conducted during the movement, two will be highlighted here: the Baton Rouge Bus Boycott and the Montgomery Boycott.

The first organized bus boycott of the movement was the Baton Rouge Bus Boycott of 1953.⁶⁵ The bus company that ran the Baton Rouge bus system was “overwhelmingly finance[d] by blacks” with their fares accounting for “at least two-thirds of the bus company’s revenue.”⁶⁶ Realizing the power of the collective, in March 1953, black leaders in Baton Rouge successfully petitioned the City Council to pass Ordinance 222.⁶⁷ The Ordinance permitted blacks to be seated on a first-come-first-serve basis with the stipulation that blacks sat from the rear to the front of the bus while whites sat from the front to the rear and that no seats were reserved for whites.⁶⁸ When the ordinance went into effect that month, bus drivers, “all of whom were white,” refused to accept it and went on strike.⁶⁹ “The Attorney General, as a result of the strike, “ruled that Ordinance 222 was

⁶³ *Id.* at 17.

⁶⁴ *Id.* at 49.

⁶⁵ *Id.* at 17.

⁶⁶ *Id.*

⁶⁷ *Id.* at 18.

⁶⁸ *Id.*

⁶⁹ *Id.*

illegal because it conflicted with Louisiana's segregation laws."⁷⁰ The black community answered this judicial ruling with the boycott.⁷¹

A collective action of this scale required "a high degree of planning and organization."⁷² The entire boycott was "mobilized and directed through the local black churches and the United Defense League," a coalition of community organizations.⁷³ Since people would not take the bus to work, a "car lift" network, comprised of personal cars, was used to pick up and drop off passengers at corners just like the buses.⁷⁴ Money was raised at nightly meetings and through donations to support the car lift and other expenses that arose during the boycott.⁷⁵

The boycott, led by Reverend Jemison, a local pastor of one of the largest black churches in the city, began with a radio announcement urging blacks not to ride the buses.⁷⁶ Reverend Jemison later recounted that the boycott was "100 percent effective."⁷⁷ He stated, "Nobody rode the bus during our strike. There were about eight people who didn't hear the call that night on the radio and they rode to work. But by afternoon there was nobody riding the bus."⁷⁸ A New York Times article also "confirmed that at least 90 percent of the black passengers refused to ride the buses during the boycott."⁷⁹ The boycott lasted for seven days.⁸⁰ During that time nightly mass meetings were held and attended by between 2,500 and 3,000

⁷⁰ *Id.*

⁷¹ *See* MORRIS, *supra* note 61.

⁷² *Id.* at 19.

⁷³ *Id.* at 21.

⁷⁴ *Id.* at 19.

⁷⁵ *Id.* at 23.

⁷⁶ *Id.* at 18.

⁷⁷ *Id.*

⁷⁸ *Id.*

⁷⁹ *Id.*

⁸⁰ *Id.*

people.⁸¹ It was reported that the “scale and vigor of the nightly activity left an indelible impression” on the city.⁸²

The boycott had a major impact on Baton Rouge. It “effectively disrupted the [local] economy of the bus company, causing it to lose \$1,600 a day.”⁸³ Wanting to bring a close to the boycott, city law makers “decided to work out a compromise” where the two front bus seats would be reserved for whites and the long rear seat reserved for blacks.⁸⁴ Reverend Jemison took the proposal to a “mass meeting attended by 8,000” people, and the compromise was accepted on a temporary basis until “the legality of bus segregation itself could be determined through the courts.”⁸⁵ The compromise was a small triumph, but it marked a “victory for the entire community as the first evidence that the system of racial segregation could be challenged by mass action.”⁸⁶

The Baton Rouge Bus Boycott lasted just one week, but set the stage for future boycotts, such as the Montgomery Bus Boycott of 1955-1956.⁸⁷ The Montgomery Bus Boycott, led by Dr. King, was sparked by the arrest of Mrs. Rosa Parks in December 1955, after she “refused to give her bus seat to a white man.”⁸⁸ Mrs. Parks had a history of involvement with protest organizations, including the National Association for the Advancement of Colored People (NAACP), and she consented to allowing the NAACP to use her case “to challenge the Jim Crow laws on the buses.”⁸⁹

The Women’s Political Council (WPC), a group of professional women who had already been successful in impacting social change in Montgomery by registering black women to vote, petitioning the city to hire black

⁸¹ *Id.*

⁸² *Id.* at 19.

⁸³ *Id.* at 24.

⁸⁴ *Id.*

⁸⁵ *Id.*

⁸⁶ *Id.* at 25.

⁸⁷ *Id.*

⁸⁸ *Id.* at 51-52.

⁸⁹ *Id.*

policemen, and advocating for a better park system and bus conditions, also helped organize the boycott.⁹⁰ WPC “immediately activated their organizational and personal networks and spread the word that a boycott was necessary to protest the arrest [of Mrs. Parks] and challenge the Jim Crow bus laws.”⁹¹ WPC also rallied students and teachers at Alabama State College and “composed a leaflet, which described the Parks incident and called for community action.”⁹² The leaflets were copied and distributed throughout the black community.⁹³

Like the boycott in Baton Rouge, the Montgomery Bus Boycott incorporated a carpool system that included 48 dispatchers and 42 pickup stations and has been recognized as moving with “military precision.”⁹⁴ And like in Baton Rouge, the church played an integral role in disseminating information and providing a meeting place for the masses.⁹⁵ But unlike the weeklong boycott in Baton Rouge, the Montgomery Boycott “lasted more than a year” and largely impacted future mass movements for the Civil Rights Movement.⁹⁶

The result of the Montgomery Boycott was the “collective power of masses . . . generated from the instant that the entire black community boycotted [the buses],” the assent of Dr. King as a charismatic leader, and the introduction of “the nonviolent approach for social change.”⁹⁷ Unquestionably, “[t]he boycott made it clear that black demands could not be easily ignored.”⁹⁸ After a year of protest in Montgomery, “the United States Supreme Court ruled that Alabama’s state and local laws requiring

⁹⁰ *Id.* at 53.

⁹¹ *Id.*

⁹² *Id.*

⁹³ *See id.* at 53.

⁹⁴ *Id.* at 58.

⁹⁵ *Id.* at 56.

⁹⁶ *Id.* at 51, 56.

⁹⁷ *Id.* at 62.

⁹⁸ *Id.* at 63.

segregation on the buses were unconstitutional.”⁹⁹ The bus boycotts in Baton Rouge and Montgomery had mass support in their respective communities and provided model examples of the “power [that] is created when masses act collectively.”¹⁰⁰

B. Student Sit-Ins

As the bus boycotts proved to be an effective way to turn collective action into social and legal change, the student sit-ins of the 1960s “rapidly evolved into a mass protest that strengthened the civil rights movement.”¹⁰¹ Like the bus boycotts, the sit-ins were focused around bringing an end to segregation laws. Instead of seating on buses however, sit-in participants sought to change laws that “prohibited blacks and whites from eating together”¹⁰² by black students physically sitting down at lunch counters that were for whites.¹⁰³

Although not the first sit-in, on February 1, 1960, four black freshmen students from North Carolina A&T College sat at a long, L-shaped lunch counter at the downtown Greensboro Woolworth store.¹⁰⁴ While only sitting for a part of the afternoon, the actions of the four students sparked a widespread sit-in movement.¹⁰⁵ During that first week of February, the “students continued to sit in daily at the local Woolworth’s, and the protest population began to grow.”¹⁰⁶ Twenty schoolmates joined the sit-in the following day.¹⁰⁷ Soon after, the original four protesters were joined by hundreds of students from local black colleges.¹⁰⁸ Leaders in Greensboro

⁹⁹ *Id.*

¹⁰⁰ *Id.*

¹⁰¹ *Id.* at 195.

¹⁰² *Id.* at 197.

¹⁰³ *Id.*

¹⁰⁴ Malcolm Gladwell, *Small Change: Why the Revolution Will Not Be Tweeted*, THE NEW YORKER, Oct. 4, 2010.

¹⁰⁵ *Id.*; MORRIS, *supra* note 61, at 197.

¹⁰⁶ MORRIS, *supra* note 61, at 199.

¹⁰⁷ CHONG, *supra* note 6, at 134.

¹⁰⁸ MORRIS, *supra* note 61, at 199.

contacted movement leaders in other cities via telephone to spread the word of the impact of the sit-ins, and within weeks the demonstrations spread throughout North Carolina, South Carolina, Virginia, Florida, Tennessee, Alabama, Kentucky, and Maryland.¹⁰⁹

Nashville, Tennessee, had a unique sit-in movement that also incorporated a boycott of downtown department stores.¹¹⁰ Movement leaders in Nashville used several techniques to grow participation. One college student said that she would attend organization meetings at six o'clock in the morning before school and work until late at night "organizing sit-ins, getting publicity out to the students that [they] were having a sit-in, and where and what time [they] would meet."¹¹¹ High school students reportedly went table to table in the lunchroom and talked up the demonstrations in classes "through whispering."¹¹² At mass meetings held at churches, leaflets were given to attendees and distributed throughout the black community.¹¹³ The telephone was a "wire service" that was used to communicate movement information, and, in regards to the shop boycott in particular, volunteers would call hundreds of people to tell them not to shop downtown.¹¹⁴ Volunteers were also "stationed downtown to ensure that blacks received the word not to shop."¹¹⁵

Student sit-ins were conducted around the nation in areas that were in dire need of radical change towards desegregation. Many of the students explained that they had "a strong desire to assert their opposition to segregation ever since learning of the *Brown [v. Board of Education]* decision."¹¹⁶ One of the students stated that what precipitated the sit-in was

¹⁰⁹ *Id.* at 197, 200-01.

¹¹⁰ *Id.* at 211.

¹¹¹ *Id.* at 210.

¹¹² *Id.* at 208.

¹¹³ *Id.* at 211.

¹¹⁴ *Id.* at 211-12.

¹¹⁵ *Id.* at 212.

¹¹⁶ CHONG, *supra* note 6, at 134.

“that little bit of incentive and that little bit of courage that each of us instilled within each other.”¹¹⁷ It is reported “[some] seventy thousand students eventually took part. Thousands were arrested,” and thousands more were motivated to act.¹¹⁸ As a result, “[by] the summer of 1960 numerous cities had desegregated their lunch counters.”¹¹⁹ Furthermore, it all happened “without e-mail, texting, Facebook, or Twitter.”¹²⁰

C. March on Washington

With the bus boycotts impacting desegregation of buses and the sit-ins compelling lunch counter desegregation, by 1963, civil rights demonstrators had impelled the movement into the national spotlight with support from President John F. Kennedy.¹²¹ Social change was in the air, and movement leaders were about to demonstrate the immense power of collective action by organizing and successfully implementing “the unforgettable March on Washington.”¹²²

The March was initiated and organized by A. Philip Randolph, a leader in several movement organizations, in collaboration with five leaders from other organizations, including Bayard Rustin who “orchestrated and administered the details of the march.”¹²³ Operating out of a tiny office in Harlem, Rustin and his staff members had two months to plan this massive mobilization, including planning “the difficult logistics of transportation, publicity, and the marchers’ health and safety.”¹²⁴ To raise money, buttons for the March were sold at 25 cents apiece, and “thousands of people sent in

¹¹⁷ *Id.* at 133.

¹¹⁸ Gladwell, *supra* note 104.

¹¹⁹ MORRIS, *supra* note 61, at 212.

¹²⁰ Gladwell, *supra* note 104.

¹²¹ CHONG, *supra* note 6, at 193.

¹²² *Id.*

¹²³ Kate Tuttle, *March on Washington, 1963*, in *AFRICANA: THE ENCYCLOPEDIA OF THE AFRICAN AND AFRICAN AMERICAN EXPERIENCE* 270 (Kwame Anthony Appiah & Henry Louis Gates Jr., eds., 2d ed. 2008).

¹²⁴ *Id.* at 272.

small cash contributions.”¹²⁵ The March agenda included an endorsement of President Kennedy’s Civil Rights Bill, a reading of the March’s ten demands including passage of the bill, school and housing desegregation, job training, an increase in the minimum wage, and Dr. King’s “I Have a Dream” finale.¹²⁶ Word of the March spread throughout the country, and on August 28, 1963, the marchers arrived via bus, car, train, and planes, resulting in a diverse crowd of “black and white, rich and poor, young and old, Hollywood stars and everyday people.”¹²⁷ As a “massive public demonstration,” a quarter of a million people marched in support of the cause.¹²⁸

The March was larger than any previous demonstrations on record at that time.¹²⁹ It had a direct impact on “the passage of civil rights legislation and on nationwide public opinion.”¹³⁰ US Congresswoman Eleanor Holmes Norton noted that “the 1963 march was different from any other because it produced the great civil rights statutes of the 20th century—the Civil Rights Act of 1964, the Voting Rights Act of 1965, and the 1968 Fair Housing Act.”¹³¹ Civil rights leaders used collective action to make huge strides in their quest for equality using the tools and resources they had available. Half century later, social movement leaders have begun to use technology as a tool in their quest for social change.

¹²⁵ *Id.*

¹²⁶ *Id.*

¹²⁷ *Id.*

¹²⁸ CHONG, *supra* note 6, at 193; Tuttle, *supra* note 123.

¹²⁹ Tuttle, *supra* note 123.

¹³⁰ *Id.*

¹³¹ Juan Williams, *A Great Day in Washington: The March on Washington for Jobs and Freedom was America at its Best*, THE CRISIS 30 (2003).

IV. COLLECTIVE ACTION IN THE NEW MILLENNIUM (2009-2012)

Social media can be a powerful tool for spurring social change¹³² because it allows those of ‘like mind’ to band together no matter how far apart they are in distance, and create a collaborative effort to create social change.”¹³³ This is true for several reasons. First, social media is a way to aggregate individuals who share an interest in particular social change and begin identifying possible allies.¹³⁴ Social media can group these individuals into a community and be a means to recruit new members.¹³⁵ In turn, this community can mobilize offline and online efforts to change a social situation and “share information about successes, failures, and opportunities for influence.”¹³⁶ With this information, the community can gather financial and behavioral data relative to the social situation and use this to further the movement.¹³⁷

Individuals and organizations can use social media as a way to quickly and inexpensively spread the word about an issue, gain support, and gather information that may help sustain the movement and affect lasting change. As an example of this, Clay Shirky, professor of New Media at New York University, compares two recent movements, both focused on policy change and largely influenced by technology.¹³⁸ The first was an initiative begun in

¹³² Maureen West, *How Nonprofits Can Use Social Media to Spark Change*, THE CHRONICLE OF PHILANTHROPY (Feb. 20, 2011), <http://philanthropy.com/article/How-Nonprofits-Can-Use-Social/126402>.

¹³³ Anne Robinson, *The Social Media Effect: It's Role in Social Change and Social Responsibility*, (Feb. 21, 2011), <http://www.socialmedianews.com.au/the-social-media-effect-its-role-in-social-change-and-social-responsibility/>.

¹³⁴ CV Harquail, *Social Media for Social Change-Inside the Organization?* SOCIAL MEDIA TODAY (Feb. 15, 2011), <http://socialmediatoday.com/cvharquail/270426/social-media-social-change-inside-organization>.

¹³⁵ *Id.*

¹³⁶ *Id.*

¹³⁷ *Id.*

¹³⁸ *Social Media Acts as Catalyst for Policy Change*, NPR (Feb. 6, 2012), <http://www.npr.org/2012/02/06/146482653/social-media-acts-as-catalyst-for-policy-change>.

2006 by Kate Hanni to pass a Flyer's Bill of Rights.¹³⁹ Hanni, after being stuck on an airport tarmac for eight hours, was enraged over the situation and started a political movement using blogs and e-mail to pressure Congress to change the policy.¹⁴⁰ It took her years to accomplish her goal, but she did spread the word through technology and got the law changed.¹⁴¹ The second movement concerned the issue of the Susan G. Komen breast cancer charity organization, which cut funds to Planned Parenthood.¹⁴² Shirky states that it took around 48 hours after the funding announcement for social media to erupt about the issue and for the Komen organization to reverse their course on this major decision.¹⁴³ Shirky posits that "when you get people angry quickly, things can spread like wildfire, in a way that they can't on slower media."¹⁴⁴

With the growing and creative use of social media, people like Hanni and those who advocated for Planned Parenthood funding used social media to ignite social change, and over the past few years, society has witnessed other examples internationally and in the United States.

A. Social Media Change Movements on the International Scene

Although revolution is not a foreign word to most throughout the world, revolution by social media is a fairly new concept and is being employed by activists around the globe to change laws and affect social change.¹⁴⁵ Over the past few years, the news has been peppered with protest movements that have used social media and collective action as a means of getting the government to act, including protests in Russia, Tunisia, and Egypt.

¹³⁹ *Id.*

¹⁴⁰ *Id.*

¹⁴¹ *Id.*

¹⁴² *Id.*

¹⁴³ *Id.*

¹⁴⁴ *Id.*

¹⁴⁵ Neal Schaffer, *Social Media as a Catalyst for Social Change*, WINDMILL NETWORKING (Nov. 7, 2011), <http://windmillnetworking.com/2011/11/07/social-media-catalyst-social-change/>.

In Moldova, Russia, in 2009, more than 10,000 people gathered around the Parliament building “to protest against Moldova’s Communist leadership.”¹⁴⁶ By using social media, the protest leaders gathered the crowd, made up of mostly young Moldovan citizens.¹⁴⁷ One of the leaders stated that she began the protest with her blog and collaboratively worked with six people, and they then conducted “10 minutes of brainstorming and decision-making, [and] several hours of disseminating information through networks, Facebook, blogs, [social media sites], and e-mails.”¹⁴⁸ After hundreds of firsthand accounts flooded onto Twitter, Internet service in the city was cut off.¹⁴⁹ Moldova’s President, although not a supporter of the uprising, commented that the protests were “well designed, well thought out, coordinated, planned and paid for.”¹⁵⁰

In January 2011, in Tunis, Tunisia, the government reacted to “growing unrest . . . as a three-week-old wave of violent demonstrations spread . . . to the capital.”¹⁵¹ “The protestors came together after circulating calls to rally over social networks like Facebook and Twitter” to demand more jobs and to denounce “the self-enrichment of Tunisia’s ruling family.”¹⁵² Tunisia

¹⁴⁶ Ellen Barry, *Protests in Moldova Explode, With Help of Twitter*, N.Y. TIMES, Apr. 18, 2009, http://www.nytimes.com/2009/04/08/world/europe/08moldova.html?pagewanted=all&_r=0.

¹⁴⁷ *Id.* Protest leaders also created a searchable Twitter tag to keep the events on the list of popular topics “so people around the world could keep track” of what was happening. *Id.*

¹⁴⁸ *Id.*

¹⁴⁹ After Internet service was interrupted, one Tweeter reported that he continued to issue updates with his cell phone. *Id.*

¹⁵⁰ *Id.* A specialist studying democratic movements said, “Facebook and Twitter had apparently played a major role in the protests. Nobody expected such a massive scale . . . I don’t know of any other factor which could account for it.” Barry, *supra* note 146. Critics have stated that social media did not play a significant part in the Moldova revolution because very few Twitter accounts exist there, but this is not dispositive that people did not see Twitter feeds since it is not necessary to have a Twitter account to have access to Twitter feeds. Gladwell, *supra* note 104.

¹⁵¹ David Kirkpatrick, *Protests Spread to Tunisia’s Capital, and a Curfew is Decreed*, N.Y. TIMES, Jan. 13, 2011, <http://www.nytimes.com/2011/01/13/world/africa/13tunisia.html>.

¹⁵² *Id.*

reportedly has “one of the most repressive governments in a region full of police states,” with residents dealing with “extensive surveillance, scant civil liberties and the routine use of torture.”¹⁵³ People took to the streets downtown and through neighborhoods in protest, and in response, the government announced a curfew on the citizens.¹⁵⁴ Tunisia continues to see much political unrest, and the people continue to protest and voice their dissent.¹⁵⁵

Like the protest in Tunisia, tech-savvy young protestors in Cairo, Egypt, in 2011, also turned to social media to spark an uprising, compelling the president of Egypt to shut down the Internet.¹⁵⁶ The protestors used social media to urge the government to answer for decades of autocracy and stagnation and to call for the resignation of President Hosni Mubarak.¹⁵⁷ The thousands who gathered demanded to be treated as citizens with rights, instead of as powerless subjects.¹⁵⁸ After 18 days of protest in Tahrir Square, the President stepped down.¹⁵⁹ The protest was a historic moment in the Arab world, and as writer Khaled Dakheel wrote, “[w]hat is happening is telling the people that there is something they can do.”¹⁶⁰

¹⁵³ *Id.*

¹⁵⁴ *Id.*

¹⁵⁵ See Tarek Amara, *Tens of Thousands Rally in Tunis to support Islamists*, REUTERS, Feb. 16, 2013, <http://www.reuters.com/article/2013/02/16/us-tunisia-islamists-demonstration-idUSBRE91F05D20130216>; CNN Staff, *Tunisians Mourn Protest Victims as Small Demonstrations Continue*, CNN (Jan. 23, 2011, 6:14AM), <http://www.cnn.com/2011/WORLD/africa/01/23/tunisia.protests/index.html>.

¹⁵⁶ Anthony Shadid, *After Tahrir, Uncharted Ground*, N.Y. TIMES, Feb. 12, 2011; David D. Kirpatrick and Heba Afify, *For Egyptians, British Riots Are a Mix of Familiar and Peculiar*, N.Y. TIMES, Aug. 13, 2011.

¹⁵⁷ Shadid, *supra* note 156.

¹⁵⁸ Mona El-Naggar, *The Legacy of 18 Days in Tahrir Square*, N.Y. TIMES, Feb. 19, 2011, <http://www.nytimes.com/2011/02/20/weekinreview/20tahrir.html?pagewanted=all>.

¹⁵⁹ *Id.*

¹⁶⁰ Shadid, *supra* note 156.

B. Social Media Change Movements in the United States

Recently, the United States has had its share of protests that were sparked and conducted via social media outlets, including the Occupy Wall Street movement, where organizers set out to inform the world of economic corruption in the United States, and the immigration reform debate that has been at the forefront of US politics.¹⁶¹

The Occupy Wall Street movement began as a Twitter suggestion for participants to march in Lower Manhattan, New York.¹⁶² Protestors used “cellphones and social sites like Twitter, Facebook[,] and YouTube to spread their message around the world.”¹⁶³ The message was a protest in response to frustrations felt as a result of the economic downtown in the United States. The protestors blamed Wall Street, banks, and corporate America “for many of the nation’s ills.”¹⁶⁴ Frustration was shown at dozens of encampments from New York to Oakland and around the world as the “online conversation about Occupy Wall Street movement turned global” with protestors communicating through “live Twitter updates, photos[,] and videos from the dozens of demonstrations around the world.”¹⁶⁵ On Twitter, more than 100 accounts were created with an Occupy Wall Street theme that had tens of thousands of followers.¹⁶⁶ More than 400 Facebook pages were created to focus on the many protests, “including Occupy Brazil,

¹⁶¹ Jennifer Preston, *Protestors Look for Ways to Feed the Web*, N.Y. TIMES, Nov. 25, 2011, <http://www.nytimes.com/2011/11/25/business/media/occupy-movement-focuses-on-staying-current-on-social-networks.html>; Jean-Paul Salamanca, *Immigration Reform 2013 News: Latinos Launch Social Media Campaign to Support Immigration Bill*, LATINOS POST (May 27, 2013, 11:34 AM), <http://www.latinospost.com/articles/20044/20130527/immigration-reform-2013-news-latinos-launch-social-media-campaign-support.htm>.

¹⁶² Preston, *supra* note at 161.

¹⁶³ *Id.*

¹⁶⁴ Andrew Ross Sorkin, *Occupy Wall Street: A Frenzy that Fizzled*, N.Y. TIMES, Sep. 18, 2012, <http://dealbook.nytimes.com/2012/09/17/occupy-wall-street-a-frenzy-that-fizzled/>.

¹⁶⁵ Jennifer Preston, *Occupy Wall Street, and Its Global Chat*, N.Y. TIMES, Oct. 17, 2011, <http://query.nytimes.com/gst/fullpage.html?res=9F05E3D61238F934A25753C1A9679D8B63>.

¹⁶⁶ Preston, *supra* note 161.

Occupy Berlin, Occupy Sydney[,] and Occupy Tokyo,” with 2.7 million fans around the world.¹⁶⁷ Specifically, the Occupy the London Stock Exchange Facebook page had more than 19,000 members and became a platform “for people attending a march in London to share real-time updates, photos[,] and videos.”¹⁶⁸ YouTube has also been a formidable presence in the Occupy movement with 1.7 million videos created that have thus far been viewed 73 million times.¹⁶⁹

Some critics argue the movement has now lost momentum, but looking back over the year that it took place, it did have some positive results.¹⁷⁰ Mainstreaming the chant, “[w]e are the 99 percent,” the movement “created an important national conversation about economic inequality and upward mobility.”¹⁷¹ The movement’s message was heard throughout the 2012 presidential election.¹⁷² Additionally, the movement spurred “Bank of America and other big banks to scrap plans to charge additional fees for use of debit cards” and “brought awareness to banks’ foreclosure practices.”¹⁷³ While some protestors camping out at sites and marching down streets may have wanted to see a total transformation of the financial institutions, some change was made, the message was heard around the world, and it all began with a conversation on social media.

Another conversation currently brewing in the United States, and growing through the use of social media, surrounds the debate over immigration reform.¹⁷⁴ Labeled as part of a post-modern Civil Rights Movement, the immigration law and enforcement debate has, since the mid-

¹⁶⁷ Preston, *supra* note 165; Preston, *supra* note 161.

¹⁶⁸ Preston, *supra* note 165.

¹⁶⁹ Preston, *supra* note 161.

¹⁷⁰ Sorkin, *supra* note 164.

¹⁷¹ *Id.*

¹⁷² *Id.*

¹⁷³ *Id.*

¹⁷⁴ Salamanca, *supra* note 161.

1990s, been a constant political controversy.¹⁷⁵ It is worthwhile to examine this conversation and a brief background of the debate because it bears a close resemblance to the racial justice platform of the Civil Rights Movement.¹⁷⁶ Additionally, the civil rights implications of immigration law directly affects the approximately 12 million undocumented immigrants who live in the “shadows of American life,” as the outcome of the Civil Rights Movement impacted eighteen million blacks in America in 1960.¹⁷⁷ The next section discusses the immigration conversation generally and examines how social media is being used in the debate.

C. Social Media and Immigration Reform: A Case Study

According to United States Representative Elton Gallegly (R-CA), “[e]very unskilled illegal immigrant who enters the United States for work drives up healthcare costs for every American. And, every illegal immigrant we turn a blind eye toward weakens the rule of law our country is founded on.”¹⁷⁸

Representative Gallegly is not the only one who has turned immigration into a criminalized and dehumanized political topic. Sentiments such as this run rampant throughout the United States. For example, Arizona’s Maricopa County Sheriff Joe Arpaio boasts regularly about the number of

¹⁷⁵ See Harvey Gee, *A Review of Frank Wu’s Renegotiating America’s Multi-colored Lines*, 5 N.Y. CITY L. REV. 203 (2002); see also Kevin R. Johnson, *Immigration and Civil Rights: Is the “New” Birmingham the Same as the “Old” Birmingham?*, WILLIAM & MARY BILL OF RIGHTS JOURNAL, 21 WM. & MARY BILL RTS. J. 367 (2012).

¹⁷⁶ See Frank H. Wu, *Shaping the Rules for Belonging: Immigration and Affirmative Action Can Work Together*, LEGAL TIMES, Sept. 9, 1996, at 25; Phillip Rawls, *Alabama Immigration Fight Recalls Civil Rights Era*, Associated Press (Oct. 29, 2011), <http://news.yahoo.com/alabama-immigration-fight-recalls-civil-rights-era-155058927.html>.

¹⁷⁷ Johnson, *supra* note 175, at 390 (quoting President George W. Bush on remarks he made on immigration policy in 2004); *Table 1: United States-Race and Hispanic Origin: 1790 to 1990*, UNITED STATES CENSUS (Sep. 13, 2002), <http://www.census.gov/population/www/documentation/twps0056/tab01.pdf>.

¹⁷⁸ Immigration, BRAINY QUOTE, <http://www.brainyquote.com/quotes/keywords/immigrant.html#Pj4Ar6kg1h5ZDgLj.99> (last visited Apr. 8, 2013).

“illegal aliens” his deputies have arrested, associating many arrests with drugs and human smuggling.¹⁷⁹ Alabama Congressman Mo Brooks (R), when speaking about Alabama’s new immigration law, stated, “[w]e want illegal aliens out of the state of Alabama and I want illegal aliens out of the United States of America.”¹⁸⁰

California, Arizona, and Alabama have passed some of the most discriminatory immigration laws imaginable; but many people are speaking out against these laws and others like them through the use of social media to show support of compassionate immigration reform, and the re-humanization of being an immigrant in America.¹⁸¹

With an estimated 12 million undocumented immigrants in the United States, it is no wonder that immigration reform is such a hot topic.¹⁸² President Obama promised to work towards comprehensive immigration reform as part of his re-election, but he continues to face opposition from anti-immigrant supporters.¹⁸³ Perfect examples of opposition include supporters of California Proposition 187 and Arizona SB1070. Proposition 187 was written by legislators “to establish a system of required notification by and between [state, local, and federal governments] to prevent illegal aliens in the United States from receiving benefits or public services in the

¹⁷⁹ *Press Releases*, Maricopa County Sheriff’s Office, Press Releases, <http://www.mcso.org/PressRelease/Default.aspx> (last visited Apr. 8, 2013).

¹⁸⁰ Pili Tobar, Alabama’s Anti-Immigrant Law “May be Backfiring.” Supporters of Mass Deportation Cheer, America’s Voice Blog, Oct. 7, 2011, http://americasvoiceonline.org/blog/ap_alabamas_antiimmigrant_law_may_be_backfiring_supporters_of_mass_deport/.

¹⁸¹ Johnson, *supra* note 175; Alex Kantrowitz, *A Social Media Push for Immigration Reform? Don’t Forget Email and SMS*, MEDIA SHIFT (Feb. 1, 2013), <http://www.pbs.org/mediashift/2013/02/a-social-media-push-for-immigration-reform-dont-forget-email-and-sms032>.

¹⁸² Adam Goodman, *Comprehensive Immigration Reform and the I-word*, HUFFINGTON POST, (Dec. 7, 2012 11:12am), http://www.huffingtonpost.com/adam-goodman/illegal-immigrant-use-term_b_2257817.html.

¹⁸³ *Id.*

State of California.”¹⁸⁴ In essence, what the proposition suggests is that police, health care professionals, and teachers would be required “to verify and report the immigration status of all individuals, including children,” with the result being the denial of healthcare and education for families.¹⁸⁵ The courts did not agree with the provisions of this law, and Proposition 187 was struck down as unconstitutional.¹⁸⁶

Arizona’s SB1070 was also, in part, struck down as unconstitutional.¹⁸⁷ The senate bill included provisions that would make it a state crime for an immigrant not to carry legal papers, such as a government issued identification or driver’s license.¹⁸⁸ The bill would have also allowed for arrests without a warrant in some situations, and prohibit people without documentation from working in Arizona.¹⁸⁹ The United States Supreme Court held these provisions unconstitutional, but ruled that it was constitutional for officers “to make a reasonable attempt to determine the immigration status of a person stopped, detained or arrested if there’s reasonable suspicion that person is in the country illegally.”¹⁹⁰ Arizona Governor Jan Brewer called the ruling “a victory for the rule of law” and “a victory for the 10th Amendment.”¹⁹¹ But others, like President Obama, are concerned that the ruling will cause people to “live under a cloud of suspicion just because of what they look like.”¹⁹²

¹⁸⁴ ACLU, *CA’s Anti-Immigrant Proposition 187 is Voided, Ending State’s Five-Year Battle with ACLU, Rights Groups* (July 29, 1999), <http://www.aclu.org/immigrants-rights/cas-anti-immigrant-proposition-187-voided-ending-states-five-year-battle-aclu-right>.

¹⁸⁵ *Id.*

¹⁸⁶ *Id.*

¹⁸⁷ Alia Beard Rau, *Arizona Immigration law: Supreme Court upholds key portion of Senate Bill 1070*, THE REPUBLIC (June 25, 2011, 11:15am), <http://www.azcentral.com/news/politics/articles/2012/06/03/20120603arizonaimmigration-law-supreme-court-opinion.html>.

¹⁸⁸ *Id.*

¹⁸⁹ *Id.*

¹⁹⁰ *Id.*

¹⁹¹ *Id.*

¹⁹² *Id.*

With the disparity in views between the Supreme Court, legislators, and President Obama, and with millions of immigrants impacted, immigration reform is not just a topic of discussion, but a necessity for the overall health and well-being of America. Many individuals and groups have found ways to use social media in the immigration reform debate as a means of garnering the attention of politicians, lawyers, supporters, and advocacy groups and telling the stories of undocumented immigrants in America.¹⁹³ Here are some of their stories.

Journalist Jose Antonio Vargas has used social media to spark a conversation about immigration reform.¹⁹⁴ In the summer of 2011, Vargas went public about his status as an undocumented immigrant in an essay published by the New York Times.¹⁹⁵ At the age of 12, in hopes of giving Vargas a better life, his mother put him on a plane with a man he had never seen before to fly from the Philippines to America to live with his grandparents.¹⁹⁶ He started school, and “quickly grew to love” his new home, family, culture, and language, although he has not seen his mother since leaving her in 1993.¹⁹⁷ At 16, Vargas discovered he was in America without legal documents, and that his grandfather had gotten fake documents for him so he could attend school and get a job in America.¹⁹⁸ Vargas, with the support of teachers, school administrators, and generously donated scholarship funds, graduated college with a degree in journalism and began to write.¹⁹⁹ He had a number of prestigious journalism jobs but

¹⁹³ Juan E. Gastelum, *How Immigration Activists are Fighting Deportation Policy with Social Media*, MASHABLE (Apr. 19, 2011), <http://mashable.com/2011/04/19/immigration-activism-social-media/>.

¹⁹⁴ See Jose Antonio Vargas, *Inside the World of the ‘Illegal’ Immigrant*, TIME, June 14, 2012.

¹⁹⁵ *Id.*

¹⁹⁶ See Jose Antonio Vargas, *My Life as an Undocumented Immigrant*, N.Y. TIMES, June 22, 2011.

¹⁹⁷ *Id.*

¹⁹⁸ *Id.*

¹⁹⁹ *Id.*

was always concerned about someone finding out he was undocumented, so he decided to come out to share his story with the world.²⁰⁰

As a result of his courageousness in telling his story, he created a campaign called Define American “to document the lives of the undocumented and harness the support of [allies] around this very controversial and misunderstood issue.”²⁰¹ The website, DefineAmerican.org, does just that – it harnesses the power of social media to allow people to document their lives. On the website, participants can share their story by typing it in, posting it on Facebook or Twitter, or uploading videos.²⁰² As of June 2012, Vargas writes that 2,000 undocumented Americans have contacted him and revealed their status, either in person or online through e-mail, Facebook, and Twitter.²⁰³ As of fall 2012, Vargas had more than 23,000 Twitter followers and has gained celebrity support from reporter Stephen Colbert, Senator Robert Menendez (D-NJ), Senator Harry Reid (D-NV), director Chris Weitz, and Craigslist founder Craig Newmark, each of whom have recorded videos.²⁰⁴ In February 2013, as “the first out undocumented journalist,” Vargas testified before the Senate Judiciary Committee hearing on immigration.²⁰⁵ Vargas continues to challenge the status quo and is using social media to bring new voices into the immigration conversation because, as the website states, “[o]ur immigration system is broken,” and requires a bigger and more effective conversation to find a solution.²⁰⁶

²⁰⁰ *Id.*

²⁰¹ Vargas, *supra* note 194.

²⁰² DEFINE AMERICAN, <http://www.defineamerican.com/stories> (last visited Apr. 8, 2013).

²⁰³ Vargas, *supra* note 196.

²⁰⁴ Jose Vargas Twitter page, <https://twitter.com/search?q=jose%20vargas&src=typd> (last visited Apr. 8, 2013); PSFK, *YouTube Campaign to Start a Social Media Conversation about Immigration Reform*, <http://www.psfk.com/2011/11/youtube-campaign-to-start-a-social-media-conversation-about-immigration-reform.html>.

²⁰⁵ Monica Novoa, *Jose’s Testimony*, DEFINE AMERICAN BLOG (Feb. 13, 2013), <http://www.defineamerican.com/blog/post/joses-testimony>.

²⁰⁶ DEFINE AMERICAN, <http://www.defineamerican.com/page/about/about-define>

In another case, a single Tweet had a life-altering effect on a young man.²⁰⁷ Walter Lara, brought to America without papers by his parents from Argentina when he was three, was two weeks away from being deported when he began a flurry of social media action by tweeting three words, “I’m being deported.”²⁰⁸ His longtime friend created a Facebook group called “Keep Walter’s Dream Alive,” and shared her contact information and link to her Twitter account.²⁰⁹ The next day she had over 400 e-mails, people she had never met, pledging their support, including a non-profit who posted Lara’s story on its website, resulting in the group growing to more than 2,000 members and 300 Twitter followers.²¹⁰ With the help of these followers and several non-profits, Senator Bill Nelson (D-FL) wrote a letter of support.²¹¹ Calls flooded into the Department of Homeland Security, and three days before Lara was scheduled to be deported, he received a year-long deferment that has since been renewed.²¹²

On the other side of the immigration reform debate, anti-immigration supporters are also using social media to garner support to further anti-immigrant sentiments.

Sheriff Arpaio is one example. Sheriff Arpaio has been sheriff of Maricopa County since 1993 and prides himself as being “America’s Toughest Sheriff” with between 7,500 to 10,000 inmates in his jail system, chain gangs for “free labor to the community,” and the cheapest jail meals in the United States at 15 to 40 cents a meal.²¹³ As for immigration, the Maricopa County Sheriff’s Office reportedly “focuses a lot of resources to fight illegal immigration” with deputies and officers “trained to investigate

american (last visited Apr. 8, 2013).

²⁰⁷ Gastelum, *supra* note 193.

²⁰⁸ *Id.*

²⁰⁹ *Id.*

²¹⁰ *Id.*

²¹¹ *Id.*

²¹² *Id.*

²¹³ MARICOPA COUNTY SHERIFF OFFICE, <http://www.mcso.org/About/Sheriff.aspx> (last visited Apr. 8, 2013).

all detainees to determine their immigration status” and to either charge them “with the crime of illegal entry into the U.S. or [be deported].”²¹⁴

Sheriff Arpaio also boasts more than 54,500 Twitter followers and 417,000 Facebook likes.²¹⁵ In numerous Tweets, Sheriff Arpaio refers to people as “illegal aliens” or “illegals.”²¹⁶ In one Tweet, he states, “[a]nother juvenile was found amongst a load of illegal aliens being smuggled into the U.S.”²¹⁷ His supporters may applaud his candidness, but imbedded in this comment, and many others, is a dehumanizing and degrading attitude towards immigrants, an attitude he is proud to post for thousands to see.

Anti-immigrant supporters also use YouTube as a medium to broadcast their message. One video uses humor to show why the narrator, and people like him, should not be criticized for believing that immigrants should assimilate and become legal or leave.²¹⁸ The video, with over 164,000 views, is full of stereotypes like Latinos being ignorant and doing all they can to escape Mexico.²¹⁹ The problem is that posting a video like this that uses humor masks the racism behind the message. It is likely to appeal and reaffirm what some people believe and may influence others that these beliefs and stereotypes are true. Thousands of people have seen and have access to this message.

Numerous other videos focus on immigrants taking jobs away from citizens. For example, the Coalition for the Future American Worker posted a video titled “How to Put Americans Back to Work in 30 Seconds.”²²⁰ This

²¹⁴ *Id.*

²¹⁵ Joe Arpaio Twitter page, <http://twitter.com/realsheriffjoe> (last visited Feb. 24, 2014); Joe Arpaio Facebook page, <https://www.facebook.com/sheriffjoearpaio> (last visited Feb. 24, 2014).

²¹⁶ Joe Arpaio Twitter page, <http://twitter.com/realsheriffjoe> (last visited Feb. 24, 2014).

²¹⁷ *Id.*

²¹⁸ Steven Crowder, *Illegal Aliens!*, http://www.youtube.com/watch?v=F4WZC8K71a4&feature=bf_prev&list=PL5E9D9666002A8A6E (last visited Feb. 24, 2014).

²¹⁹ *Id.*

²²⁰ American Workers, *How to Put Americans Back to Work in 30 Sec.*, <http://www.youtube.com/watch?v=yDkg5bGqNwk> (last visited Feb. 24, 2014).

30-second video states in just a few sentences that the way to put Americans back to work is by telling President Obama to better enforce immigration laws so more Americans can have jobs.²²¹ Another video is a school project that blatantly states that “illegal immigrants” are stealing from America by not paying taxes, sending the money back home, and draining resources from schools, health care, and the economy.²²² It continues on by describing how many American workers, who play by the rules, pay taxes, and contribute to the community, are displaced by immigrants.²²³ The closing thought, depicted in large red letters, is “[s]top the illegal alien invasion.”²²⁴

Yet another video, approved by Ron Paul for his 2008 presidential campaign, not only plays to stereotypes, but also is outright racist.²²⁵ It depicts a black and white photo of the Statue of Liberty and a group of people (suggested to be immigrants), and states that Lady Liberty welcomed immigrants who came here legally and led productive lives, but now “illegal immigrants” violate borders and overwhelm hospitals, schools, and social services.²²⁶ The answer Ron Paul gives for immigration reform, as shown in the video, is to physically secure borders, give no amnesty, provide no welfare to “illegal aliens,” end birthright citizenship, and provide no student visas from “terrorist nations.”²²⁷ All of this is spoken over a backdrop of pictures depicting Latino men swimming through a body of water (presumably across the border), being patted down by police, and fleeing through a field.²²⁸ One of the problems with these “Take Our Jobs” campaigns “is that few, if any, U.S. citizens will actually want to train for

²²¹ *Id.*

²²² *Anti Illegal Immigration Commercial-School Project*, http://www.youtube.com/watch?v=DQLPA__xaME (last visited Feb. 24, 2014).

²²³ *Id.*

²²⁴ *Id.*

²²⁵ Ron Paul 2008 Campaign, *Ron Paul TV Ad: Immigration*, <http://www.youtube.com/watch?v=2T-iJKwskH4> (last visited Feb. 24, 2014).

²²⁶ *Id.*

²²⁷ *Id.*

²²⁸ *Id.*

[such a] grueling career, thus conveying a valuable lesson on our reliance on undocumented workers.’²²⁹

It is obvious by the number of Sheriff Arpaio supporters, and by the numerous videos available on YouTube, that the anti-immigrant sentiment is alive in America. All it takes is for someone to search and click to find these hate messages. Considering the ease of searching and sharing messages, it leads to the question of whether social media is actually having a positive impact on the immigration reform debate.

In many instances, there is no doubt that social media is playing a part in the immigration reform debate, and with the emerging technologies of computers, laptops, tablets, and mobile devices, more people have access to social media than ever before. But, the advent of new technologies also poses a problem because it is just that – new.

The Internet, through social media specifically, has become a platform for all sorts of causes from issues that affect one family to problems that impact an entire country. So much of our lives are moving to the Internet, but the law and tensions surrounding this dynamic have yet to be fully developed. Technology is evolving so quickly, and people are finding new ways to use the Internet, so there is no precedent as of yet; there is no model to follow. For example, posting a video on YouTube allows for a broader reach to an audience that was unreachable in the past simply because there was no quick and easy access. A young man like Walter Lara, just two weeks away from deportation, in the past had no means to quickly amass support, including that of a Senator, to procure deferment. Someone like Jose Vargas may have gotten his story published in a newspaper, but would likely not have begun a conversation now joined by thousands. Likewise, Sheriff Arpaio’s comments would not be so accessible with him having a

²²⁹ Steven W. Bender, *Compassionate Immigration Reform*, 38 FORDHAM URB. L.J. 107, 127 (2010).

platform to regularly voice his anti-immigrant thoughts and for others to chime in.

People are using social media creatively to reach their goals. A younger audience base is being reached outside of the traditional news media audience. I believe this shift in audience will actually have a positive impact on the immigration reform debate because more people with, hopefully, more tolerant views can be actively involved in the conversation instead of just having a discussion with a handful of people around a dinner table. Now, people can contribute to the conversation no matter where they stand or where they are located.

Each of the aforementioned movements, both internationally and in the United States, used social media in some way to aggregate individuals with a shared interest to create a community, mobilize the community, and share information about the movements' progress. It is evident that social media can be used to bring people together in a collective action, but how does this compare to the strategies used during the Civil Rights Movement to get people involved in creating social change? Can the two even be compared?

V. COLLECTIVE ACTION THEN AND NOW: A COMPARATIVE DISCUSSION

Upon examining the strategies used to amass collective action in both the Civil Rights Movement and recent movements, there are similarities and variances that give insight into how individuals and organizations can act to further a social justice cause. To illustrate this comparison, it is necessary to look at the social causes themselves and the strategies used in both eras.

A. Social Causes

One of the central issues to the comparison of the mid-20th century civil rights causes and those of today is the scale and scope of the causes of the respective eras.

The Civil Rights Movement was made up of innovative protests like the bus boycotts and student sit-ins that required precision and dedication to be successful. Activism was fueled by centuries of racism and discrimination towards blacks in America. Leaders like Dr. King and Mrs. Parks took a stand against these wrongs and spurred social change. Hundreds of thousands marched in Washington in 1963 to promote this shift in societal thinking. Because of the efforts of civil rights' leaders and participants, laws were passed on local, state, and national levels and the perception of race in America began to evolve.

The social causes impacted by recent movements are, for the participants, just as important as those of the Civil Rights Movement. Yet, some argue that the new tools of social media have reinvented social activism by upending political authority and popular will, "making it easier for the powerless to collaborate, coordinate, and give voice to their concerns."²³⁰ Another argument for the effectiveness of social media is that "a Facebook friend is the same as a real friend and that signing up for a donor registry in Silicon Valley today is activism in the same sense as sitting at a segregated lunch counter."²³¹ This is evidenced in the changes being made in movements like those in Russia, Tunisia, and Egypt or those like the Occupy Wall Street and Define American movements.

Others argue "fifty years after one of the most extraordinary episodes of social upheaval in American history, we seem to have forgotten what activism is."²³² Social networks may be effective at increasing participation by lessening the burden on participants, but they are made up of weak ties and do not involve much financial or personal risk, which, as some argue, is the only way to motivate someone to act without having a personal connection with another person involved.²³³ Unlike the Civil Rights

²³⁰ *Id.*

²³¹ *Id.*

²³² *Id.*

²³³ *Id.*

Movement, social media activism does not require participants to “confront socially entrenched norms and practices” and put their lives on the line.²³⁴

While there are differences between the eras, there are similarities. To examine this, it is helpful to look at the strategies each utilized.

B. Strategies

For collective action to work there has to be a collective; to amass a collective there must be communication. Historian Robert Darnton wrote, “[t]he marvels of communication technology in the present have produced a false consciousness about the past – even a sense that communication has no history . . . before the days of television and the Internet.”²³⁵

Leaders of the Civil Rights Movement utilized technology available at the time to strategically communicate and organize participants. As shown, the Baton Rouge bus boycott used radio announcements, support from a newly formed coalition, and church mass meetings to disseminate information. In Montgomery, leaders created leaflets that were dispersed throughout the community, used the support of various organizations, and conducted mass meetings to gain enthusiasm and support for the yearlong boycott. Students in Greensboro and Nashville spread the word of the sit-ins through leaflets, by word of mouth, and with hundreds of telephone calls.

Today, social media has become the tool of choice for many movements. A Tweet, a post, or a video that goes viral can be seen by millions, like the Occupy Wall Street movement that spread to movements around the world. Jose Vargas’s Define American movement has gained momentum and collected thousands of stories and hundreds of thousands of followers. Social media can be a powerful strategic tool if harnessed effectively, especially with the technological access currently available. Post, re-post, Tweet and re-Tweet, who knows where a message will land and what it might spark. But, columnist Malcolm Gladwell states, “Twitter is a way of

²³⁴ *Id.*

²³⁵ *Id.*

following . . . people you may never have met,” and that “Facebook activism succeeds not by motivating people to make a real sacrifice but by motivating them to do the things that people do when they are not motivated enough to make a real sacrifice.”²³⁶ People who want change will find a way to make their voices heard and work collectively to make those in power listen. But often times change needs to begin with a conversation, like the Occupy Wall Street and Define American movements, and if nothing else, social media is beginning the conversation that could lead to important social change.

As this conversation continues, legal issues will undoubtedly arise. The next section examines the major legal implications related to social media use and looks at the lawyer’s role in this evolving dynamic.

VI. SOCIAL MEDIA’S LEGAL IMPLICATIONS AND THE LAWYER’S ROLE

The Internet has created a virtual landscape “where hundreds of millions of people are conversing, networking, and logging the details of their lives,” and the law continues to evolve as technology continues to develop.²³⁷ Issues that are significantly impacted by the technological advances of social media use include First Amendment rights, discovery issues, privacy, and the lawyer’s role in these developments.

Social media is thus far proving to be a useful tool for sharing a message, and this is what the First Amendment right to freedom of speech is all about. Whether you agree with another’s message, everyone should and does have a voice. For example, the undocumented immigrant who in the past may have been afraid to speak out, can now turn to organizations like Define American or to Dream Activist, a non-profit, “migrant youth-led,

²³⁶ *Id.*

²³⁷ Ken Strutin, *Social Media and the Vanishing Points of Ethical and Constitutional Boundaries*, 31 PACE L. REV. 228, 229 (2011).

social media hub” that is working “to mend the broken immigration system” to tell their stories and become part of a welcoming community.²³⁸

However, some critics argue that social media use may not be as useful as some believe, especially when issues arise concerning discovery. Although social media sites provide users with a sense of intimacy and community, they also create a potentially permanent record of personal information that could speak to one’s private life and state of mind during litigation. A “variety of social media and mobile applications can be used in novel ways for documentary purposes to evidence location, time and dates of registered users.”²³⁹ Courts have not yet consistently set precedent as to discovery into personal social media accounts, so it is unclear how this issue will be resolved.

Additionally, social media is being used as a tool for assessing immigration applicants and for investigating immigration issues, an issue that reaches into the realm of privacy. The US Citizenship and Immigration Services (USCIS) released a report titled, “Social Networking Sites and Their Importance to FDNS.”²⁴⁰ FDNS is the Fraud Detection and National Security, an arm of USCIS charged with uncovering fraud in immigration cases.²⁴¹ In a controversial internal memo written by USCIS, the basics of how social networking sites work are outlined, including how these sites provide “an excellent vantage point for FDNS to observe the daily life of beneficiaries and petitioners who are suspected of fraudulent activities.”²⁴²

²³⁸ DREAM ACTIVIST: UNDOCUMENTED STUDENTS ACTION & RESOURCE NETWORK, <http://www.dreamactivist.org/deferred-action/> (last visited Apr. 8, 2013).

²³⁹ Ann Cun, *Why Social Media Matters in Immigration Cases*, CM Guru: An Immigration Practice Management Resource (Sept. 19, 2012), <http://www.lawlogix.com/case-management-guru/case-preparation/why-social-media-matters-immigration-cases/>.

²⁴⁰ U.S. Department of Homeland Security, *Social Networking Sites and Their Importance to FDNS*, available at https://www.eff.org/files/filenode/social_network/DHS_CustomsImmigration_SocialNetworking.pdf.

²⁴¹ Cun, *supra* note 239.

²⁴² U.S. Department of Homeland Security, *supra* note 240.

Legal representatives warn that “where USCIS officers may be apt to use information obtained from the Internet or social media sites to rebut claims or assertions made on immigration filings, clients should ultimately be aware their web personas should be consistent with the data provided in all immigration documents.”²⁴³

With the shift towards the use of social media to further social causes, lawyers too will play a role in the conversation. In a 2010 study, the American Bar Association (ABA) Legal Technology Research Center found that “56 percent of lawyers say that they maintain a presence on an online social network. In 2008, that number was only 15 percent.”²⁴⁴ This is a 250 percent increase in only two years. Lawyers use Twitter, for example, to “post quick news items such as breaking developments in case law, reports of other law-related events such as trials or hearings, or to broadcast viewpoints or observations on emerging issues or events.”²⁴⁵

However, even though lawyers are using social media more and more, social media use poses some ethical concerns and risks.²⁴⁶ The professional rules as they now stand are considered “flexible and fluid so as to be applicable even when there are changes to the technology used.”²⁴⁷ The problem is that the rules “do not expressly set forth certain conduct solely related to the use of Social Media. Rather, the Rules have been written broadly to encompass all conduct governing lawyers even when lawyers choose to use Social Media in their daily practice.”²⁴⁸

²⁴³ Cun, *supra* note 239.

²⁴⁴ Merri A. Baldwin, *What's a Little Tweet Among "Friends": Ethical and Liability Risks Posed by Lawyers' Use of Social Media*, AMERICAN LAW INSTITUTE – AMERICAN BAR ASSOCIATION CONTINUING LEGAL EDUCATION, ST037 ALI-ABA 443, 446; Margaret M. DiBianca, *Ethical Risks Arising From Lawyers' Use of (And Refusal to Use) Social Media*, DELAWARE LAW REVIEW, 12 DEL. L.REV. 179.

²⁴⁵ Baldwin, *supra* note 244, at 446.

²⁴⁶ See Baldwin, *supra* note 244.

²⁴⁷ Linda D. Schwartz, *Social Media – Friend or Foe?*, MARYLAND BAR JOURNAL, 44-APR Md. J.J. 12, 15 (2011).

²⁴⁸ *Id.*

The ABA Commission on Ethics 20/20 is “examining whether to provide formal guidance and/or to recommend changes to the ABA Model Rules of Professional Conduct to address lawyers’ use of social media.”²⁴⁹ In August 2012, the ABA amended the Model Rules to address one aspect of technology that is potentially relevant to social media use.²⁵⁰ Comment 8 of Rule 1.1 on maintaining competence now states that lawyers must “maintain the requisite knowledge and skill” and “should keep abreast of changes in the law and its practice, *including the benefits and risks associated with relevant technology*” by “engag[ing] in continuing study and education and comply[ing] with all continuing legal education requirements to which the lawyer is subject.”²⁵¹ (emphasis added). To ensure compliance with this rule and future amendments, “lawyers need to understand the features employed by the specific social media applications they use and their functionality, and monitor their own specific uses of those features . . . [using] common sense and good judgment.”²⁵² It is also necessary for lawyers to understand the legal implications of social media use so that they can advise clients appropriately and understand how and when to use social media to best serve the needs of and advocate for clients.

Lawyers have already faced disciplinary action from statements made in social media posts.²⁵³ Sean Conway, a Florida attorney, was “reprimanded and fined in April 2009 for a blog post that called a judge an “Evil, Unfair Witch” and described her as “seemingly mentally ill.”²⁵⁴ An Illinois public defender lost her job after posting “thinly veiled” confidential client

²⁴⁹ Stephen Kasten, *Professional Ethics and Social Media*, BOSTON BAR JOURNAL, 55-SUM B. B.J. 40, 40 (2011).

²⁵⁰ American Bar Association Commission on Ethics 20/20 Report to the House of Delegates, Resolution at 3, *available at* http://www.americanbar.org/content/dam/aba/administrative/ethics_2020/20120808_revised_resolution_105a_as_amended.authcheckdam.pdf.

²⁵¹ MODEL CODE OF PROFESSIONAL CONDUCT R. 1.1 comment 8 (2012).

²⁵² Baldwin, *supra* note 244, at 453.

²⁵³ *Id.* at 450.

²⁵⁴ *Id.* at 453.

information on a blog and referring “to a judge presiding over one of her cases as ‘Judge Clueless.’”²⁵⁵

Although lawyers must be cautious of their conduct online, they can still play a significant role in the social media-social justice conversation. One way lawyers can join the conversation is by doing pro bono work. Pro bono legal representation and social media made a difference in Alonso Chehade’s case.²⁵⁶ Chehade was facing deportation when he contacted Walter Lara’s friend to find out what she had done to save Lara from deportment.²⁵⁷ Chehade then launched his own campaign in Seattle, and with the help of pro-bono legal representation and some of the same non-profits that helped Lara, Chehade got 5,000 supporters to send letters to local Congressmen through a link on his Facebook page.²⁵⁸ Senator Maria Cantwell intervened on Chehade’s behalf, and his deportation has been delayed indefinitely.²⁵⁹ Chehade has now “dedicated his efforts to unifying online supporters across various platforms” to gain public sympathy for others in his situation.²⁶⁰

Another way lawyers can join the conversation is by staying abreast of emerging issues by subscribing to e-newsletters, joining blogs, following a cause on Twitter, or starting a blog or Twitter page that is relevant to a social cause. It is easy to “follow” or “friend” someone who is an advocate of what the lawyer believes in. This is a simple way to get in on the conversation. Who knows where the conversation will lead.

²⁵⁵ *Id.* at 448; Sharon D. Nelson & John W. Simek, *Lawyers “Step in it” Through Social Media Incompetence*, VERMONT BAR JOURNAL, 36-SUM Vt. B.J. 38.

²⁵⁶ Gastelum, *supra* note 193.

²⁵⁷ *Id.*

²⁵⁸ *Id.*

²⁵⁹ *Id.*

²⁶⁰ *Id.*

V. CONCLUSION

In 1963, Dr. King delivered a speech pleading for justice and equality before the Lincoln Memorial as the keynote address of the March on Washington.²⁶¹ A quarter of a million people came to hear Dr. King's speech.²⁶² They assembled not because of a Facebook post they saw or a tweet they read. The March happened because of the organization and communication strategies of its leaders and the dedication of its participants in the cause.

Using social media to further social justice has and will continue to be a helpful medium for people to gain support for social causes. The ABA has stated, "Social networking is not a temporary phenomenon. The ability to communicate on a broader scale has forever changed the way we interrelate."²⁶³ According to Celina Villanueva, author and advocate for the National Council of La Raza, "Facebook and Twitter will never replace voting or marching, but it's a tool to organize; a way to convince your friends to register to vote or be aware of a cause."²⁶⁴ Just as civil rights' leaders 50 years ago could not have fathomed a tool like social media being available for protest movements, lawyers and movement leaders today do not know what technology will be available 50 years from now. Yet, regardless of the technology, collective action will be a part of social change, and social media will be a useful tool. #dream on!

²⁶¹ TESTAMENT OF HOPE, *supra* note 58, at 217.

²⁶² Williams, *supra* note 131, at 30.

²⁶³ ELEFANT, *supra* note 7, at xv.

²⁶⁴ Lolly Bowean, *Using Social Media to Promote Social Justice*, CHICAGO TRIBUNE, Jan. 29, 2011, available at http://articles.chicagotribune.com/2011-01-29/news/ct-met-civil-rights-summit-20110129_1_social-media-social-justice-facebook-page.