



Are Search Results Speech?

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Search results are
opinions about relevance

rick moody black veil review



About 23,800 results (0.13 seconds)

[Review-a-Day - The **Black Veil** by Rick Moody, reviewed by The ...](#)

www.powells.com/review/2002_07_04.html

Jul 4, 2002 – **Rick Moody** is the worst writer of his generation. I apologize for the abruptness of this declaration, its lack of nuance, of any meaning besides ...

[Book Review - The Four Fingers of Death - By Rick Moody ...](#)

www.nytimes.com/2010/08/08/books/review/Martin-t.html

Aug 6, 2010 – I've never thought of **Rick Moody** as a funny guy. His best book is probably his memoir, "The **Black Veil**," which is a gift to anyone who has ...

[James Wolcott reviews 'The **Black Veil**' by Rick Moody · LRB 19 ...](#)

www.lrb.co.uk/v24/n18/james-wolcott/hoogah-boogah

(1) links

(2) previews

(3) rankings

“[Search] results are not ‘new’ statements authored by Google or statements with meaning that is different or independent of the content of the underlying web page.”

Google Brief

Maughan v. Google Tech., Inc.

Third-party speech?

- ◆ Links and excerpts are third-party speech
- ◆ Rankings express Google's opinions about relevance
 - ◆ Relevance does not reduce to third-party speech
 - ◆ Relevance is deductive, not evaluative

$$r(A) = \frac{\alpha}{N} + (1 - \alpha) \left(\frac{r(B_1)}{|B_1|} + \dots + \frac{r(B_n)}{|B_n|} \right)$$

U.S. Pat. No. 6,285,999

Automated speech?

- ◆ Wu: “[N]onhuman or automated choices should not be granted the full protection of the First Amendment, and often should not be considered ‘speech’ at all.”
- ◆ Freedom to rate means the freedom to choose a process
- ◆ Speech can be bespoke, made to measure, or off the rack
- ◆ ~~Garbage~~ speech in, ~~garbage~~ speech out

“Our search results are generated completely objectively and are independent of the beliefs and preferences of those who work at Google.”

An Explanation of Our Search Results

False speech?

- ◆ *Milkovich v. Lorain Journal*: “a statement ... must be provable as false before there can be liability”
- ◆ “This is relevant” seems too vague to fail
- ◆ But even bond ratings can be “false,” if not honestly held
- ◆ What’s the baseline? It’s algorithms all the way down.
- ◆ Proving falsity, fault, and harm will be possible but hard

“[A]dvertising funded search engines will be inherently biased towards the advertisers and away from the needs of the consumers.”

Sergey Brin & Lawrence Page
*The Anatomy of a Large-Scale
Hypertextual Web Search Engine*

Conflicted speech?

- ◆ FTC: “Accordingly, the staff recommends that if your search engine uses paid placement, you make any changes to the presentation of your paid-ranking search results that would be necessary to clearly delineate them as such”
- ◆ What about Google’s own interests?
- ◆ Disclosure almost certainly suffices

Parting thoughts

- ◆ Search results are speech
- ◆ Their protection is not absolute
- ◆ Google's critics have a tough road to travel

Questions?