Mini-Case: America Online and a “Sucks” Site

This “sucks” site against the largest U.S. ISP charged America Online (AOL) with being “the MTV of the Internet ... competitive on prices, but disastrously poor in service.” The site contained several pages of detailed and focused text. James M. Egelhof was identified as the rogue site’s webmaster.

An AOL webmaster wrote a letter to Cloud 9, the IP of Egelhof’s site, saying the site violated the ISP’s rules: “Both as an Internet user and as an AOL employee, I find his Web page to be offensive and disturbing. Because Mr. Egelhof has chosen to use a non-interactive medium to express his opinions, he is not providing an avenue for an AOL response to these allegations, and thus his communication can be considered harassment [a violation of the ISP’s rules].”

Another violation was of the ISP’s rule that users may not use the system to distribute and/or store illegal copies of commercial software. The AOL webmaster’s letter to Cloud 9 continued: “The use of AOL online art in this site is extensive. Please remove the graphics on these pages to avoid possible legal action. I am currently contacting our legal department to determine if they (sic) would consider Mr. Egelhof’s opinions to be libelous and to discover precedents for legal action in this medium.”

Egelhof maintained that AOL’s threats were groundless and that he had broken no law. He said he checked with his attorney about the harassment and libel threats and was told they were “garbage.” He said he was also advised, “that when a large corporation uses lawsuits (or the threat of them) to try to silence critics, that there are grounds for a harassment suit against the corporation.”

At this point, there was much talk about the incident in several news-groups, and the number of visits to the rogue site increased, Egelhof said, from 20 to 360 daily. As the talk continued, AOL Vice President Lyn Chitow posted an apology and mailed it to those who complained about the company. The main points of the apology were the following:

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1. “We are not in the business of censorship and believe strongly in individual freedom of speech.”

2. “We know we are not perfect and welcome feedback about how to make it better.”

3. “The author of the [rogue] Web pages was expressing his view of America Online, and I personally found it insightful and helpful as we strive to make it the best service it can be.”

Interestingly, the AOL webmaster who took Egelhof to task offered him a job, saying “We are looking for folks who know (the) Web.”