

Doxing: Mob Violence in the 21st Century

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Table of Contents

I. Introduction.....	1
II. History of Mob Violence and Vigilantism.....	6
A. Mob Violence after the Civil War.....	7
B. Mob Violence during the Civil Rights Movement.....	9
III. Current Problem: Doxing.....	11
A. How Doxing becomes Mob Violence in the 21 st Century.....	12
B. Motivations behind Doxing.....	14
C. Accountability and Anonymity Problems with Doxing.....	15
D. The Mob is Getting Bigger.....	17
IV. Possible Solutions.....	18
A. Why Tort Law Falls Short.....	19
B. Unequal Access to Privacy.....	21
C. First Amendment Concerns.....	21
D. Privacy as a Civil Right.....	22
V. Conclusion.....	22

I. Introduction

Mob violence is not a relic of the past; it has simply changed form. The experiences of Ida B. Wells and Dr. Christine Blasey Ford, separated by more than a century, show how intimidation, threats, and forced displacement through mob violence has operated across time, evolving with their tools and technologies. Ida B. Wells was a Black woman who was the editor and part owner of Free Speech and Headlight, a major newspaper in Memphis, Tennessee in the

¹ J.D. Candidate, May 2027, University of Richmond School of Law. I would like to thank Professor Wingfield for her unwavering support in this writing process. I would also like to thank my family and friends for being there for me in all my endeavors.

late 1800s, where she wrote about general interests in the Black community.² When she wrote a column criticizing the conditions of Black schools and board members awarding teaching jobs in return for sexual favors, she lost her job as a teacher.³ In 1892, the lynching of her friend Thomas Moss changed everything, and she began to investigate the practice of lynching in America.⁴ She began to especially look into accusations of Black men raping white women and in 1892, wrote a column implying these relationships were consensual and white women were attracted to Black men.⁵ In response to this article, a mob of white men trashed her office in Memphis, Tennessee and threatened death to any future publisher.⁶ Wells was out of town when the paper was published, but her co-owner was threatened and forced to leave the city, and the newspaper's former owner was pistol whipped.⁷ The mob threatened her death if she returned to the city, and as a result, Wells did not return and relocated to New York.⁸ This was not a lone story in this time period of American history. Mob intimidation such as this reached new heights after the Civil War. As a result, many people found themselves fleeing their homes as mobs drove them away.

Just as Wells was driven from her home by threats of physical violence, Dr. Christine Blasey Ford faced a twenty-first-century version of this same mob violence when she came forward with allegations of sexual assault. In July of 2018, the shortlist of which Supreme Court nominee would replace Justice Anthony Kennedy was making news. On the list was Brett Kavanaugh. In response, Dr. Christine Blasey Ford sent a letter, detailing the story of her abuse

² Deborah L. Rhode, *Leadership Lessons From A Heroic, If "Difficult" Woman: A Tribute To Ida B. Wells*, 14 TN J. OF L. AND POL. 467, 473 (2020).

³ *Id.*

⁴ *Id.* at 475.

⁵ *Id.* at 477.

⁶ *Id.*

⁷ *Id.*

⁸ *Id.* at 478.

from Kavanaugh, to Senator Dianne Feinstein, head Democrat of the Senate's Judiciary Committee.⁹ When describing the incident, she said she expected her story to remain confidential, as she was worried about what going public would mean for her and her family.¹⁰ However, the story was leaked.¹¹ The Intercept reported the letter, and while her name was redacted, the FBI sent the letter to the White House and to the Senate.¹² Soon after, reporters began to determine her identity, with reporters visiting her home, trying to speak to her at work, and phoning her colleagues.¹³

The harassment didn't end after Dr. Ford decided to come forward. In the week before she testified, her family had to move out of their house. "And our house being surrounded. And initially it was just a fear of media, but it became more serious than that once people were trying to threaten me with the - I'm inferring that their intent was to intimidate me from testifying".¹⁴

After her testimony, her address was leaked and Dr. Ford and her family received death threats.¹⁵ Some were so credible they had to once again leave their home and live in hotels, sometimes for months.¹⁶ Her family needed round the clock security and still required it for public appearances as much later as 2024.¹⁷

⁹ Emma Brown, *California professor, writer of confidential Brett Kavanaugh letter, speaks out about her allegation of sexual assault*, THE WASHINGTON POST (September 16, 2018).

¹⁰ *Id.*

¹¹ *Id.*

¹² *Id.*

¹³ *Id.*

¹⁴ FRESH AIR: *For Christine Blasey Ford, the fallout of the Kavanaugh hearing is ongoing*, (WHYY, March 19, 2024).

¹⁵ Tracy Smith, *"One Way Back": Christine Blasey Ford on speaking out, death threats, and life after the Kavanaugh hearings*, CBS NEWS, (March 17, 2024).

¹⁶ *Id.*

¹⁷ FRESH AIR: *For Christine Blasey Ford, the fallout of the Kavanaugh hearing is ongoing*, (WHYY, March 19, 2024).

In the cases of both of these women, their privacy was violated, and they were forced out of their homes by angry mobs. But for Ida B. Wells, the threats didn't follow her out of Memphis. There was no Internet to post her new address and there were no hordes of Twitter users threatening her. But for Dr. Blasey Ford, the mob followed her, forcing her to move multiple times in the next few years. Together, Wells and Ford illustrate the same underlying dynamic: when a person is publicly targeted, mobs—physical or digital—can threaten safety, uproot lives, and suppress speech.

While its technologies and methods have changed, mob violence itself has not. This phenomenon has been part of America's history since our founding. Burning homes, lynchings, and beatings are their most egregious forms. Physical threats, intimidation, harassment, and assaults are only one part, but are still effective methods to silence and punish. By threatening an individual's personal safety, even small amounts can cause a person enough fear to move away from the threat and relocate.

Doxing is a much newer phenomenon. It relies on the Internet and allows for personal information to reach a much larger audience. It also threatens an individual's personal safety, but the size of the mob means that simply moving does not alleviate that threat. Additional features of this modern form include anonymity, lack of accountability, and geography. Because of the Internet, the size of the mob is increasing, and people do not need to leave their house to dox someone.

Tort law cannot account for all breaches of privacy, which leads to unequal access to privacy.¹⁸ Because tort law cannot make up for the inequalities in access to privacy, the right to

¹⁸ The right to privacy is broad and multifaceted. However, for the purposes of this Note, I will focus on Informational Privacy, which is people's "control over the processing—i.e., the acquisition, disclosure, and use— of personal information" about themselves and their activities this can mean the absence of: (1) disclosure to the

privacy needs to be a civil right.¹⁹ Because of the real dangers to personal and physical safety, informational safety is incredibly important and needs to be protected much more stringently than it is currently.

This Note argues that doxing is itself a form of mob violence, because threats to personal safety online functions like physical mob intimidation, amplified by the internet's scale and anonymity. The links between traditional mob violence and digital mob violence are that both are used to threaten, punish, intimidate, or otherwise harm an individual by threatening their personal and physical safety. Because of this violence, and the shortcomings in our current right to privacy laws, the right to informational privacy should be a civil right. Further, when there are breaches of privacy, they are not administered equally among all people. People of color, and women, are two groups who feel the brunt of surveillance and other privacy breaches more than others do and yet have no additional recourse to mitigate the problem.²⁰

To accomplish this, I have organized this paper in several parts. Part II will discuss mob violence after the Civil War and during the Civil Rights Movement. In Part III, I will discuss how mob violence has continued in the form of doxing. Part IV discusses possible solutions to the new problems presented by doxing and lastly, the paper concludes with urging change in this new digital landscape.

II. History of Mob Violence and Vigilantism

Mob violence is well rooted phenomenon in American history. Nevertheless, it is difficult to truly define. Lynching is often used analogously, but this article will differentiate between the

public, to particular individuals, or to the government of information about a person that many people would prefer not be revealed to others, (2) gathering of such information, and (3) surveillance that may end up gathering such information; see Eugene Volokh, *Tort Law vs. Privacy*, 114 COLUM. L. REV. 879, 888 (2014).

¹⁹ Alvaro M. Bedoya, *Privacy As Civil Right*, 50 N.M. L. REV. 301, 306 (2020).

²⁰ *Id*; see also Natalia Homchick, *Reaching Through the "Ghost Doxer:" An Argument for Imposing Secondary Liability on Online Intermediaries*, 76 WASH. & LEE L. REV. 1307, 1314 (2019).

two and defines lynching as a form of mob violence. Mob violence encompasses lynchings, where a mob kills or attempts to kill someone, but can also include riots, damaging property, or using force to make someone to leave town.²¹ An abundance of research focuses on lynching, but this Note will focus on the whole of mob violence, which is essentially large group physical intimidation.

Mob violence as a tool of protest often took the form of riots. In the time before and around the American Revolution, colonists would riot against laws they deemed unfair against the royal government.²² Examples of this are the Impressment Riots and the Stamp Act Riots.²³ However, these riots were all for an established goal and did not lead to much violence or deaths.²⁴ The goals of the colonists were to express displeasure against the British government.²⁵

Leading up to the Civil War, mob violence started to take a turn in the direction of racial violence. In the 1840's and 1850's, Irish settlers came to the US and settled in Northern cities like Milwaukee and Boston.²⁶ Scholars note that some of this violence reflected transferred norms of retaliatory force.²⁷ This manifested in anger against free African Americans in the northern cities due to their resentment that the Irish were marginalized by other groups in the city, while African Americans were not.²⁸ This would occur by Irish mobs taking African

²¹ Michael S. Hindus, *A City of Mobocrats and Tyrants: Mob Violence in Boston, 1747-1863*, 6 ISSUES IN CRIMINOLOGY 55 (1971); see also Michael J. Pfeifer, *The Northern United States and the Genesis of Racial Lynching: The Lynching of African Americans in the Civil War Era*, 97 THE JOURNAL OF AMERICAN HISTORY 621, 622—623 (2010).

²² *Id.* at 59.

²³ *Id.*

²⁴ *Id.*

²⁵ *Id.*

²⁶ *Id.* at 68; see also Michael J. Pfeifer, *The Northern United States and the Genesis of Racial Lynching: The Lynching of African Americans in the Civil War Era*, 97 THE J. OF AMERICAN HIST. 621, 627 (2010).

²⁷ *Id.*

²⁸ *Id.* at 627.

Americans accused of crimes out of jail and giving them ‘informal trials’, even when the state officials tried to protect them.²⁹

In the early 1800’s, early mobs were due to the lack of adequate courts and jails, so mobs would inflict violence and punish quickly, without waiting for courts.³⁰ Many historians emphasize that lynching and mob violence functioned as community-sanctioned tools of social control, often aimed at enforcing racial hierarchy.³¹ This supplies the greater idea of mob violence as a form of punishment and as a tool of social control.

It would be a mistake to discuss the history of mob violence in America without discussing the racial implications of this violence. Mob violence before the Civil War has not been thoroughly researched.³² However, after the Civil War, and especially during the Jim Crow era, mob violence reflected the racial tensions of the time. This section focuses on Reconstruction and the Civil Rights Movement but acknowledges that not all mob violence is racially motivated.

A. Mob Violence after the Civil War

The Reconstruction period of 1865 to 1876 saw horrific acts of violence against Black Americans and brought the racial tensions of previous years truly to a head. It is difficult to fully encompass the waves of violence, but every Southern state experienced high levels of mob violence against African Americans,³³ which included lynching, property destruction, jail

²⁹ *Id.*

³⁰ Nick Petersen and Geoff Ward, *The Transmission of Historical Racial Violence: Lynching, Civil Rights–Era Terror, and Contemporary Interracial Homicide*, RACE AND JUST. 1 (2016).

³¹ *Id.* at 7.

³² Equal Justice Initiative, *DOCUMENTING RECONSTRUCTION VIOLENCE: Known and Unknown Horrors. RECONSTRUCTION IN AMERICA: Racial Violence after the Civil War, 1865-1876*. Equal Justice Initiative, 2020.

³³ *Id.*

abduction, and many forms of political suppression.³⁴ Historical documentation was often suppressed, further obscuring the full scope.³⁵

A prominent example is Mobile County, Alabama, in 1865 where white mobs killed an estimated 138 Black people over the course of several months.³⁶ In November 1970, Eutaw, Alabama, saw white mobs attack a political meeting of Black residents and white allies, killing four Black people.³⁷ In Eufaula, Alabama, astounding voting day violence occurred in November 1874 when armed white men attacked Black voters at the polls on election day, killing at least six Black people.”³⁸ The Eufaula voting day massacre occurred when Black voters began marching down the street to vote. Over a hundred white men had gathered in second story windows that overlooked the street and shot the would-be voters from above.³⁹ Nearly a hundred voters were shot, and it is unclear how many were actually killed.⁴⁰ Equal Justice Initiative’s best estimate is at least 6, while Dan Carter writes that estimates range from fifteen to forty.⁴¹

The Equal Justice Initiative has estimated about 200 victims during this time period in Alabama alone, with no prosecutions for the perpetrators.⁴² In fact, Alabama governor, Braxton Bragg Comer, participated in the Eufaula voting day massacre.⁴³ Later that day, he was part of the group that killed a 15-year-old boy who was counting ballots with his father, the elections

³⁴ *Id.*

³⁵ *Id.*

³⁶ *Id.*

³⁷ *Id.*

³⁸ *Id.*; see also Dan Carter, *THE POLITICS OF RAGE: GEORGE WALLACE, THE ORIGINS OF THE NEW CONSERVATISM, AND THE TRANSFORMATION OF AMERICAN POLITICS*, 36 (Louisiana State University Press, 2000).

³⁹ See Carter, *supra* note 39, at 36.

⁴⁰ *Id.*

⁴¹ *Id.*; see also Equal Justice Initiative. *DOCUMENTING RECONSTRUCTION VIOLENCE: Known and Unknown Horrors. RECONSTRUCTION IN AMERICA: Racial Violence after the Civil War, 1865-1876*. Equal Justice Initiative, 2020.

⁴² See Carter, *supra* note 39, at 36.

⁴³ *Id.*

supervisor.⁴⁴ He would never face prosecution and he would serve as the Governor of Alabama from 1907-1911.⁴⁵

B. Mob Violence during the Civil Rights Movement

Another notable example of mob violence is during the Civil Rights Movement and the story of Medgar Evers. Medgar Wiley Evers was a Black man born in Mississippi in 1925.⁴⁶ His parents were staunch in their dedication to equality and racial pride⁴⁷ and this environment would shape Evers' life. Later, in 1943, he enlisted in the United States military and served in both England and France, another instance that shaped his personal views of segregation.⁴⁸ Like many other African American men who served in World War II, they viewed this service as the pinnacle of citizenship.⁴⁹ Once he returned in 1946, Evers and 5 others went to the courthouse to vote.⁵⁰ Here, Evers would have his first interaction with a mob. He would write:

“The six of us gathered at my house and we walked to the polls. I’ll never forget it. Not a Negro was on the streets, and when we got to the courthouse, the clerk said he wanted to talk with us. When we got into his office, some 15 or 20 armed white men surged in behind us, men I had grown up with, had played with. We split up and went home. Around town, Negroes said we had been whipped, beaten up and run out of town. Well, in a way we were whipped, I guess, but I made up my mind then that it would not be like that again—at least not for me.”⁵¹

This did not deter Medgar Evers. He enrolled in school and began working in insurance in Mississippi upon graduation.⁵² Here, he would establish himself as a civil rights leader in the

⁴⁴ *Id.*

⁴⁵ *Id.* at 37.

⁴⁶ Michael Vinson Williams, *The Struggle for Black Citizenship: Medgar Wiley Evers and the Fight for Civil Rights in Mississippi*, in *THE CIVIL RIGHTS MOVEMENT IN MISSISSIPPI*, 59, 60 (Ted Owenby ed., University Press of Mississippi, 2013).

⁴⁷ *Id.*

⁴⁸ *Id.* at 61

⁴⁹ *Id.*

⁵⁰ *Id.* at 62.

⁵¹ *Id.*

⁵² *Id.* at 63.

Mississippi Delta.⁵³ He applied to the University of Mississippi's School of Law as a test case, organized and led boycotts against white gas station owners, and worked to dismantle the oppressive sharecropping system.⁵⁴ In 1954, he was promoted to field secretary for the NAACP.⁵⁵

Like other civil rights leaders, Evers was very aware of the violence that followed his line of work. 1955 in Mississippi exemplified this. Reverend George W. Lee, a businessman and minister, was a fierce advocate for voting rights for African Americans and argued that African Americans must fight for those rights.⁵⁶ He was threatened with death many times but never ceased his message.⁵⁷ In May 1955, he was killed by a group of white men while driving his car.⁵⁸ Later that same year, Lamar Smith, a 63-year-old farmer and registered voter, was killed in broad daylight outside of the courthouse, days after voting.⁵⁹ In August 1955, 14-year-old Emmett Till was murdered, a death that would drive fear into all African Americans living in Mississippi.⁶⁰ This led civil rights leaders in the area to wonder if Mississippi would change without a full-scale race war.⁶¹

This was something Medgar, and his wife Myrlie, prepared for. In fact, by 1963, the year of his death, Medgar was under police and FBI protection.⁶² He had received multiple death threats and a Molotov cocktail thrown into his window.⁶³ Further, Medgar and Myrlie had trained

⁵³ *Id.*

⁵⁴ *Id.* at 65.

⁵⁵ *Id.*

⁵⁶ *Id.* at 66.

⁵⁷ *Id.*

⁵⁸ *Id.* at 67.

⁵⁹ *Id.*

⁶⁰ *Id.* at 68.

⁶¹ *Id.*

⁶² *Id.*

⁶³ Erin Blakemore, *How Medgar Evers' Widow Fought 30 Years for His Killer's Conviction*, HISTORY, (March 2, 2025).

their children how to respond if shooters attacked them.⁶⁴ Unfortunately, none of that was enough. In 1963, he was shot in his front yard, with the FBI and police escorts nowhere to be found.⁶⁵

These stories are just a glimpse of the reign of terror that mob violence brought to American history. Recurring themes of physical intimidation, societal control, and forced relocation are part of this history, and have not gone away. These stories provide a lens to examine the problem of doxing, as focusing on why mob violence occurred then gives us a way to examine why it still happens now. While the tools and technologies to carry out mob violence have changed, its motivations and results have not.

III. Current Problem: Doxing

These historical patterns of intimidation now reappear in digital form. Paramount of these forms is doxing. Doxing is defined as the intentional public release onto the Internet of personal information about an individual by a third party, often with the intent to humiliate, threaten, intimidate, or punish the identified individual.⁶⁶ These details may already be publicly available, but in difficult to access forms or distributed across various sources that obscure them from casual discovery.⁶⁷ These details might also be government, company, or organization records obtained via a security breach or hacking.⁶⁸ In some cases, they might even have been obtained directly from the person themselves, either willingly or unknowingly.⁶⁹

⁶⁴ *Id.*

⁶⁵ *Id.*

⁶⁶ David M. Douglas, *Doxing: A Conceptual Analysis*, 18 ETHICS AND INFO. TECH. 199, 200 (2016).

⁶⁷ *Id.*

⁶⁸ *Id.*

⁶⁹ *Id.*

Many of us today are familiar with doxing. It has turned into a part of life thanks to the Internet, with one wrong move causing someone to possibly lose their job or being forced to leave their house. But this normalization is problematic and disguises the real problem of doxing. At its core, this Note argues, doxing is mob violence. The Internet allows for a large reach to gather and send information. When used to humiliate, threaten, or punish an individual, this looks eerily similar to traditional forms of mob violence. Both of these forms of mob violence use intimidation to forcibly displace groups of people who often find themselves vulnerable to these breaches of privacy.

A. How Doxing becomes Mob Violence in the 21st Century

Doxing becomes mob violence in many ways. Sometimes, all it takes is one person to leak sensitive information for a mob to then organically form. Another way to dox someone is through an organized plan. Further, other forms of cyber harassment can be akin to doxing, such as swatting.

Swatting, which is a form of cyber-harassment where someone will call in a false report to authorities that leads police to dispatch heavily armed tactical units to a victim's home.⁷⁰ Creating false reports to authorities is already a crime, but it is an example of how wider systems can contribute to individual harassment and violence.⁷¹ Similar to earlier mob violence history, swatting leads to forced relocation and physical danger, and sometimes even death.⁷²

⁷⁰ Natalia Homchick, *Reaching Through the "Ghost Doxer:" An Argument for Imposing Secondary Liability on Online Intermediaries*, 76 WASH. & LEE L. REV. 1307, 1312 (2019).

⁷¹ *Id.*

⁷² *Id.* at 1313.

In 2004, a woman named Cecilia Barnes broke up with her then-boyfriend. In response, he posted sensitive pictures of her on profiles he set up in her name on Yahoo!.⁷³ With these pictures, he also posted her home address, work and personal phone numbers. Further, he directed men online to her profiles in chat rooms.⁷⁴ Soon enough, Ms. Barnes was receiving phone calls, emails, and visits from men, all who had looked at the profiles and were soliciting her for sex.⁷⁵ When Cecilia asked Yahoo! to take the profiles down, they said they would but didn't until Cecilia filed a lawsuit against them in court.⁷⁶ Unfortunately, this issue ties directly with problems of accountability that will be discussed further below, highlighting the broad accountability issues faced by mob violence as a whole.

In August 2014, video game developer Zoe Quinn's ex-boyfriend posted a false story about her having a relationship with a video games journalist.⁷⁷ Because of her profession as a video game developer, this story led to users online to accuse her of corruption in the video game industry.⁷⁸ This turned into an organized scheme that originated in online chat rooms to dox Zoe under the hashtag #Gamergate.⁷⁹ Her personal information, such as addresses and pictures, were hacked and leaked online, forcing her to leave her house and relocate elsewhere.⁸⁰ This doxing campaign targeted to two other women in the video game industry, Anita Sarkeesian and Brianna Wu, from August to October of 2014.⁸¹

⁷³ Julia M. MacAllister, *The Doxing Dilemma: Seeking a Remedy for the Malicious Publication of Personal Information*, 85 FORDHAM L. REV. 2451, 2458 (2017).

⁷⁴ *Id.*

⁷⁵ *Id.*

⁷⁶ *Id.*

⁷⁷ Nathan Rott, *#Gamergate Controversy Fuels Debate On Women And Video Games*, NPR (Sept. 24, 2014).

⁷⁸ *Id.*

⁷⁹ *Id.*

⁸⁰ Julia M. MacAllister, *The Doxing Dilemma: Seeking a Remedy for the Malicious Publication of Personal Information*, 85 FORDHAM L. REV. 2451, 2459 (2017).

⁸¹ *Id.*

Like Zoe, Anita was also forced to leave her home after her criticism of how the video game industry treated women incited online members of the video game community.⁸² Further, she was forced to cancel a speaking event at a university for fear of her life due to anonymous threats.⁸³ Brianna Wu, another video game developer, mocked Gamergate, and found her home address posted online.⁸⁴ Like the other women, the violent mob forced her to relocate. Consequently, she has been diagnosed with Post-Traumatic Stress Disorder as a result of these online threats and harassment.⁸⁵

B. Motivations behind Doxing

Like traditional forms of mob violence, doxing happens for reasons such politics, or to unmask people on the Internet.⁸⁶ This mirrors historical mob's claims that violence was justified to enforce community norms of the time.

The motivation behind doxing is important. The intent of doxing is to threaten, intimidate, or otherwise punish a person for perceived wrongdoing.⁸⁷ When someone has their personal information leaked online, they can face unwanted media attention, solicitation, messages, and even visitors to their home,⁸⁸ similar to traditional forms of mob violence. As shown above, political messages can lead to traditional and online forms of mob violence. At its core, mob violence is large group intimidation, and it often is successful.

⁸² Nathan Rott, *#Gamergate Controversy Fuels Debate On Women And Video Games*, NPR (Sept. 24, 2014).

⁸³ Julia M. MacAllister, *The Doxing Dilemma: Seeking a Remedy for the Malicious Publication of Personal Information*, 85 FORDHAM L. REV. 2451, 2459 (2017).

⁸⁴ Caroline Anders, *GamerGaters inundated her with death threats. Now some are apologizing — and she forgives them*. THE WASHINGTON POST (Aug. 5, 2021).

⁸⁵ *Id.*

⁸⁶ Julia M. MacAllister, *The Doxing Dilemma: Seeking a Remedy for the Malicious Publication of Personal Information*, 85 FORDHAM L. REV. 2451, 2457 (2017).

⁸⁷ David M. Douglas, *Doxing: A Conceptual Analysis*, 18 ETHICS AND INFO. TECH. 199, 200 (2016).

⁸⁸ Julia M. MacAllister, *The Doxing Dilemma: Seeking a Remedy for the Malicious Publication of Personal Information*, 85 FORDHAM L. REV. 2451, 2458 (2017).

For example, in Cecilia Barnes' case, she ended a relationship with her romantic partner, causing him to leak her information online to harass her. In Gamergate, what started originally as a movement to punish a woman for seemingly leveraging a relationship to further her career, turned into an online culture war that primarily targeted women in the video game industry. In both cases, these women were harassed as a method of punishment for perceived wrongdoings. While all these women survived these ordeals with their lives, their lives have been forever changed from being the subject and target of online mob violence.

C. Accountability and Anonymity Problems with Doxing

As of August 2025, several states have enacted or updated legislation to combat doxing.⁸⁹ However, one of the key problems with doxing is its online nature. The Internet allows for much anonymity. People can be doxed and not know who released or is releasing their information. There is very little recourse in this situation, as people don't know who they could hold liable. Further, evidence has shown that doxers who are anonymous tend to go further and be bolder compared to doxers whose identity is known.⁹⁰ This is in contrast from traditional mob violence, where holding perpetrators accountable was difficult due to systemic inequalities and racism.⁹¹ Now, the system has created and allows widespread anonymity, which allows for the escape of liability.

While courts will allow "John Doe" subpoenas to identify the identity of the doxer, many courts require a high bar before issuing this subpoena.⁹² "As a general matter, these courts

⁸⁹ Shuhan Wang, *The Escalating Threats of Doxxing and Swatting: An Analysis of Recent Developments and Legal Responses*, NAT'L ASS'N OF ATTORNEYS GEN., (Aug. 12, 2025).

⁹⁰ Natalia Homchick, *Reaching Through the "Ghost Doxer:" An Argument for Imposing Secondary Liability on Online Intermediaries*, 76 WASH. & LEE L. REV. 1307, 1320 (2019).

⁹¹ See CARTER, *supra* note 39, at 36.

⁹² Margaret E. Krawiec and Thomas Parnham, *The 21st Century Federalist Papers*, 19 COPYRIGHT & NEW MEDIA LAW 1 (2015).

require at a minimum that (1) the plaintiff and/or the court attempt to notify the anonymous speaker of the request to discover his or her identity and (2) the plaintiff produce evidence supporting each element of the defamation claim (except for elements that are uniquely within the control of the John Doe defendant, such as malice). Some courts also mandate an equitable balancing of the John Doe defendant's First Amendment rights against the strength of the plaintiff's evidentiary showing. Other courts have concluded that such an additional equitable balancing step is unnecessary or have imposed other requirements (e.g., a showing that the requested information is important or necessary to permitting the plaintiff to proceed with his or her lawsuit)."⁹³

However, this does not help to hold the entire anonymous mob liable. Each step of the John Doe subpoena's is time intensive.⁹⁴ Multiplied by the entire hordes of angry Internet users, this action provides little in the way of justice in the courts. This problem reflects the issues of prosecution in traditional forms of mob violence. In the examples given above, the mob was never prosecuted. After many years, perhaps some justice would be given, but not without significant hardship and struggle.⁹⁵ In both traditional and online mob violence, the victims of these mobs are left without justice.

Furthermore, the issue of accountability for online platforms leaves little recourse. These platforms are immune, thanks to §230 of the CDA. §230 of the CDA gives immunity to online intermediaries who are providing the computer service.⁹⁶ They don't have to remove the content,

⁹³ *Id.*

⁹⁴ *Id.*

⁹⁵ For example, Myrlie Evers spent 30 years fighting for the conviction of her husband's killer; see Erin Blakemore, *How Medgar Evers' Widow Fought 30 Years for His Killer's Conviction*, HISTORY, (March 2, 2025).

⁹⁶ Natalia Homchick, *Reaching Through the "Ghost Doxxer": An Argument for Imposing Secondary Liability on Online Intermediaries*, 76 WASH. & LEE L. REV. 1307, 1325 (2019)

even if it is information people use to dox someone, and so people continue to get doxed.⁹⁷ This was highlighted after Cecilia Barnes filed her lawsuit against Yahoo!, where the court eventually held that Yahoo! was not liable for not taking down the profiles after Cecilia had contacted them.⁹⁸ Since a third party had posted the information, Yahoo! was not a publisher or speaker of the information.⁹⁹ As such, they were immune under §230.¹⁰⁰

D. The Mob is Getting Bigger

Furthermore, there are many implications of the wide reach of the internet, and how people don't need to leave their house to harass someone online. Instead of living in a town and harassing someone in person, mob violence can be started from the comfort of one's home. This also creates no limits for who can harass someone. All it takes is the ability to send messages to join these doxing and harassment campaigns.

Further, Cass Sunstein discusses *informational cascades* in the online space.¹⁰¹ This is the idea that people online will simply pile onto online news and rumors, without knowing if it is actually true.¹⁰² This form of mob mentality can have truly disastrous effects on the Internet, such as in the case of Zoe Quinn, who was originally attacked online because her ex partner posted a lie about her.¹⁰³ Like traditional mob violence, perceived wrongdoing is a primary motivation for doxing and leads to disastrous consequences.¹⁰⁴

⁹⁷ *Id.*

⁹⁸ *Barnes v. Yahoo!, Inc.* 570 F.3d 1096, 1105 (9th Cir. 2009).

⁹⁹ *Id.*

¹⁰⁰ *Id.*

¹⁰¹ Emily Laidlaw, *Online Shaming and the Right to Privacy*, 5 LAWS 1, 8 (2017).

¹⁰² *Id.*

¹⁰³ Nathan Rott, *#Gamergate Controversy Fuels Debate On Women And Video Games*, NPR (Sept. 24, 2014).

¹⁰⁴ David M. Douglas, *Doxing: A Conceptual Analysis*, 18 ETHICS AND INFO. TECH. 199, 200 (2016).

IV. Possible Solutions

Doxing is a real problem that affects many people and functions similar to traditional forms of mob violence. The lack of regulation and oversight has exasperated this problem. To mitigate this issue, there are several solutions. One significantly popular solution is updating §230 to minimize the immunity granted to these online service providers.¹⁰⁵

Strengthening the right to privacy as a civil rights issue would also serve as another solution, because doxing is essentially a breach of privacy. Introducing privacy as a civil right would begin with courts looking at privacy as integral to all rights under both due process and equal protection.¹⁰⁶ While privacy has been understood in the context of marriage in *Griswold* and *Obergefell*, it should be expanded to encompass a wider variety of rights, such as laws that allow for anonymous doxing and unaccountable online service providers.¹⁰⁷ Further, the right to privacy on the Internet is strongly tied to personal and physical safety and having those threatened can affect someone's sense of dignity, which greater implicates civil rights problems.¹⁰⁸ The brunt of privacy breaches is not felt equally. People of color are disproportionately surveilled, and women are disproportionately targeted online.¹⁰⁹ Lastly, while tort law is available, it often falls short of protection for the inequalities of privacy protections and violations.¹¹⁰

¹⁰⁵ Natalia Homchick, *Reaching Through the "Ghost Doxer: An Argument for Imposing Secondary Liability on Online Intermediaries*, 76 Wash. & Lee L. Rev. 1307, 1327 (2019).

¹⁰⁶ Tiffany C. Li, *Privacy As/And Civil Rights*, 36 BERKELEY TECH. L. J. 1265, 1293 (2021).

¹⁰⁷ *Id.*

¹⁰⁸ Emily Laidlaw, *Online Shaming and the Right to Privacy*, 5 LAWS 1, 11 (2017).

¹⁰⁹ Alvaro M. Bedoya, *Privacy As Civil Right*, 50 N.M. L. REV. 301, 306 (2020); *see also* Natalia Homchick, *Reaching Through the "Ghost Doxer: An Argument for Imposing Secondary Liability on Online Intermediaries*, 76 WASH. & LEE L. REV. 1307, 1314 (2019).

¹¹⁰ Tiffany C. Li, *Privacy As/And Civil Rights*, 36 BERKELEY TECH. L. J. 1265, 1292 (2021).

As mentioned above, Information Privacy is the focus of this Note. This type of privacy is people's "control over the processing—i.e., the acquisition, disclosure, and use— of personal information" about themselves and their activities.¹¹¹ This can mean the absence of: (1) disclosure to the public, to particular individuals, or to the government of information about a person that many people would prefer not be revealed to others, (2) gathering of such information, and (3) surveillance that may end up gathering such information.¹¹² When gathering and using this information against someone else, mob violence can occur. This happened in the Reconstruction era, when white mobs targeted Black people attempting to vote, using the knowledge they were going to vote against them.¹¹³ Now, this happens every time someone gets doxed.

A. *Why Tort Law Falls Short*

In 1960, Professor Prosser defined four kinds of privacy torts.¹¹⁴ These torts are: disclosure of private facts, appropriation of likeness, false light, and intrusion into seclusion.¹¹⁵ 65 years later, these are the same torts American law uses to hold someone liable for breaches of privacy. However, in those 65 years, the Internet was invented and skyrocketed. What was once an adequate tort system for the world we lived in is no longer true. As explained above, privacy implications are serious, deadly, and devastating, thanks to the Internet. Quite simply, tort law needs to be updated to catch up.

Furthermore, scholars view the basis for the privacy tort of disclosure to have been a remedy against emotional harm, due to the embarrassment caused by public disclosure of private

¹¹¹ Eugene Volokh, *Tort Law vs. Privacy*, 114 COLUM. L. REV. 879, 888 (2014).

¹¹² *Id.*

¹¹³ See CARTER, *supra* note 39, at 36.

¹¹⁴ William L. Prosser, *Privacy*, 48 CA. L. REV. 383, 389 (1960).

¹¹⁵ *Id.*

facts.¹¹⁶ However, as time has gone by, there is a very high barrier to adequately showing of this type of harm¹¹⁷ especially because courts have viewed protection against emotional harm as a threat to the First Amendment.¹¹⁸ However, emotional harm is only one type of harm caused by privacy breaches. Privacy breaches in relation to doxing can lead to someone losing their job, moving out of their house, and hiring security personnel.¹¹⁹ These harms go far beyond the emotional harm requirement of tort law.

Additionally, tort law cannot account for systematic inequalities in access to privacy.¹²⁰ Scholars note that there will always be people with more access to privacy protections than others, and there will always be people with more ability to assert and litigate their rights.¹²¹ This discrepancy is exactly why tort law is not enough and why recognizing privacy as a civil right will expand privacy protections for all- not just the privileged few.¹²²

B. Unequal Access to Privacy

The right to privacy is not carried out equally. When it comes to doxing specifically, women face the brunt of this mob violence. Scholars have noted that women of color encounter more harassment than any other group, with both academic studies and law enforcement studies supporting this conclusion.¹²³ Furthermore, the breaches of privacy caused by surveillance constantly disproportionately effects people, especially women, of color.¹²⁴ For example, the FBI's COINTELPRO program surveilled Black activists during the civil rights movement. As

¹¹⁶ Neil M. Richards, *The Limits of Tort Privacy*, 9 COLO. TECH. L. J. 357, 371 (2011).

¹¹⁷ *Id.*

¹¹⁸ *Id.* at 372.

¹¹⁹ Nathan Rott, *#Gamergate Controversy Fuels Debate On Women And Video Games*, NPR (Sept. 24, 2014).

¹²⁰ Tiffany C. Li, *Privacy As/And Civil Rights*, 36 BERKELEY TECH. L. J. 1265, 1292 (2021).

¹²¹ *Id.*

¹²² *Id.*

¹²³ Natalia Homchick, *Reaching Through the "Ghost Doxer:" An Argument for Imposing Secondary Liability on Online Intermediaries*, 76 WASH. & LEE L. REV. 1307, 1314 (2019).

¹²⁴ Tiffany C. Li, *Privacy As/And Civil Rights*, 36 BERKELEY TECH. L. J. 1265, 1274 (2021).

recently as 2017, a whistleblower exposed a similar program, named “Black Identity Extremists”¹²⁵. Adopting privacy as a civil right would remedy this inequality, by offering greater protection when breaches of privacy occur to already vulnerable populations.¹²⁶

C. First Amendment Concerns

Like all freedom of privacy issues, the First Amendment’s right to free speech often conflicts with it. However, one of the most effective methods to prevent doxing falls into the true threat exception. True threats are not protected under the First Amendment and are defined as statements in which the speaker means to communicate a serious expression of an intent to commit an act of unlawful violence against a particular individual or group of individuals.¹²⁷ By properly viewing doxing as what it is, mob violence, regulations and protections against this form of violence fit into this category.

D. Privacy as a Civil Right

The right to privacy should be viewed as a civil right by applying a new statutory scheme in due process and equal protection claims. Breaches of this right have been shown to cause much more than emotional harm, from financial harm, physical harm, and threats to physical safety. Women, especially women of color, are more likely to be targeted.¹²⁸ Tort law cannot make up these inequalities, and the current system is outdated and not adequate enough for the online world we live in today.

¹²⁵ *Id.*

¹²⁶ *Id.*

¹²⁷ Julia M. MacAllister, *The Doxing Dilemma: Seeking a Remedy for the Malicious Publication of Personal Information*, 85 FORDHAM L. REV. 2451, 2465 (2017).

¹²⁸ Natalia Homchick, *Reaching Through the “Ghost Doxer:” An Argument for Imposing Secondary Liability on Online Intermediaries*, 76 WASH. & LEE L. REV. 1307, 1314 (2019).

V. Conclusion

Doxing is a form of mob violence, and while it starts online, it does not stay online. As shown by Ida B. Wells and other victims, traditional mob violence has a long and violent path through American history. However, this path has continued with doxing victims such as Dr. Christine Blasey Ford. Like traditional forms of mob violence, doxing is used as a method to intimidate and punish people. This can lead to dire consequences, such as forcing someone to leave their house for fear of physical safety. Furthermore, the Internet has made these problems worse, as it is difficult to hold people and online platforms accountable for the damage they cause. While systemic racism used to protect perpetrators of traditional mob violence, the current legal framework now saves perpetrators of doxing from these same consequences. Doxing occurs due to breaches of informational privacy. A right to informational privacy is needed because breaches of this right are real world problems, and tort law is not enough to account for this. An expansion of the law is necessary to ensure the physical safety of doxing victims, to guarantee that this form of online mob violence does not have the same disastrous effects that traditional mob violence historically has.