

Protecting Children While Protecting the Internet

There is no disagreement that children need to be protected from the dangers lurking on the Internet. Indeed, for the past 10 years, any number of Internet Service Providers, individual companies and non-profit organizations has devoted untold resources to providing software to block objectionable sites and to screen for objectionable content.

The Federal government has also spoken on this issue. Congress in 2000 passed the Children's Internet Protection Act (CIPA), which mandated that recipients of E-rate discounts have protection measures in place. This law, upheld by the U.S. Supreme Court, should make discussion of current legislative activity superfluous. Participants in the E-rate program are already free to use the technology they currently employ to block access to "social networking" Web sites.

Legislation that has already passed the House, however, would take a much more intrusive approach while largely failing to protect children. The Deleting Online Predators Act of 2006 would put the government in the role of defining "social networking" Web sites and defining "chat rooms." The Federal Communications Commission (FCC) would, under the bill, have to apply a vague set of criteria that could equally apply to many Web sites used for many purposes as to "social networking" sites.

The bill would require the FCC to take into account sites that "permit users" to create an online profile – not even require one – and "permit users" to create an online journal. Many Web sites have online profiles and online journals that have nothing to do with the topic at hand. Many blog sites, for example, fit that description. The bill could end up limiting students' access to much of the information and commentary posted online. Quite simply, the bill is an unwarranted, overbroad intrusion of government power.

Further, there is no evidence that children use the "social networking" sites or chat rooms during the time periods covered by the legislation – the time they spend at school or in the library, should that school or library receive E-rate discounts. That amount of time is, by definition, a relatively minor part of the day, as children usually have limited access to computer labs while school is in session. The bill ignores most of the time a child would be online – at home in the afternoons after school, during the evenings and on weekends. The bill would extend to none of those, and as a result would be of little help in solving the problem it purports to address.

The correct approach would be to allow the existing organizations with expertise in the Internet, child protection and law enforcement, to use the tools they have to crack down on online predators.

Public Knowledge is a public-interest advocacy and education organization that seeks to promote a balanced approach to intellectual property law and technology policy that reflects the "cultural bargain" intended by the framers of the constitution. More information available at:

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