

The Internet is growing at a dizzying rate with seemingly unlimited potential. It is a networking tool and community builder, a communications highway that delivers authoritative, expert-approved information and entertainment, as well as personal reports and subjective reviews. The Internet lends itself to the consumption, creation and distribution of multimedia content for information, fun and profit. Many websites thrive on content that is not just interactive, but user-generated, created and uploaded by people making media for fun, and participants in online communities that grow around an immense variety of interests. Savvy internet users not only read news online and research topics of interest, but also visit and write personal and entertainment blogs, watch and make online videos, and listen to and record audio podcasts.

With the growth of the Internet have come many questions that relate to the work of Feminist for Free Expression: Who regulates online content? How do users maintain privacy? How pervasive is adult content? Is there a need to regulate political content? How are young people affected by the wealth of information and social interactions that are available online?

This free and free-wheeling exchange of information has raised questions of control -- who should determine and how, what is allowed on this powerful communication?

Land of the Free

Compared to some other nations in the world, the United States can be seen as the land of the free when it comes to the Internet. The governments of Saudi Arabia, Iran, Syria, Vietnam and China exercise strict political Internet censorship by blocking Internet Protocol (IP) addresses and by dynamic content filters. By employing an application entitled “The Great Firewall of China” U.S. Internet users can experience what an Internet user’s life is like in China as compared to the U.S.

This is not to say that U.S. life online is perfect and uncensored. Free speech on the Internet was hard won in the courts, still requires constant vigilance, faces daily challenges, and, is not to be taken for granted. The Electronic Frontier Foundation, is the foremost protector of American civil liberties on the internet. It was formed in 1990 as the result of a court battle which pitted the company Steve Jackson Games against the United States Secret Service. Today we take email privacy protection for granted but it was this case that made it so. For the first time, a court held that electronic mail deserves at least as much protection as telephone calls.

Your Right to Privacy

Privacy is essential to free speech on the Internet. Internet users have the right to anonymous free

speech under the First Amendment. In furtherance of an investigation, the government must first obtain a subpoena before it can require an online service provider (OSP) to disclose a user’s identity. With a subpoena, the government may obtain basic subscriber information, and that includes the user’s name, address, records of session times and duration, IP or other network address. In order to get more information about a user, generally a court order or warrant is required.

Who is an OSP? The interpretation of that term can be stretched to include individual websites and even “accidental OSP’s” if they set up WiFi access points to share Internet connectivity among friends and neighbors. FFE recommends that online service providers minimize the amount of information they collect and store about their users. The government cannot ask for information an OSP does not have.

The Digital Millenium Copyright Act (DMCA)

Passed on October 12, 1998 by a unanimous vote in the U.S. Senate and signed into law by President Bill Clinton on October 28, 1998, the DMCA amended Title 17 of the United States Code to extend the reach of copyright (to the Internet), while limiting the liability of the providers of on-line services for copyright infringement by their users.

Electronic Frontier Foundation

Laws are open to interpretation and manipulation. Since its founding in 1990, the Electronic Frontier Foundation (www.eff.org) has stood in the forefront, protecting Internet users’ rights to free speech. An area of concern is copyright law. Industry has tried to manipulate copyright laws through the DMCA to tip “the delicate balance toward intellectual property and away from the right to think and speak freely.” Referring to a case involving cell phone user rights to use different services, Jennifer Granick, EFF Civil Liberties director, wrote: “The DMCA is supposed to protect copyrighted works, not reduce competition and consumer choice”.

EFF also champions the rights of bloggers, coders and researchers who create encryption and security modes. The music and entertainment industry uses DMCA to keep a tight rein on intellectual property. EFF seeks a balance that includes users rights as consumers, creators, scholars and innovators. Through litigation EFF demands government accountability and exposes governments expanding use of new technologies that invade Americans privacy.

The Political Power of the Internet

The power of the Internet is at its greatest in the building of communities. People of like minds connect undeterred by geographical boundaries. When enough

people get together on a single issue, this becomes a political force. This political force of the Internet is its greatest asset and its greatest liability. An asset because like minded people who find each other via internet wield more political influence as their numbers increase. (For instance, if there had been an Internet available to suffragists, women could have secured the right to vote much earlier).

The political force of the Internet can be a liability because there are those who fear change or for other reasons seek to maintain the status quo and so choose to halt the free exchange of ideas and the formation of like-minded communities through censorship and repressive laws.

It’s a Social, Social World

The ubiquitousness of the Internet and ease of user participation have resulted in an enormous amount of social networking websites.

Social networking and social media are at the center of many conversations about the Internet, privacy, personal expression and communication. Free sites like MySpace.com and Facebook.com and Twitter.com center around user profiles in which the site’s members write short bios and display their preferences in music, books, movies and television. Users can also post pictures, upload videos, and write blogs on the sites.

A Guide to Life Online

FFE recommends that users joining a social network adding information about themselves, read the terms of service. Many sites essentially own content or have infinite rights to it once it is placed on their site. This means that the funny video a user put up that becomes popular could be put on a DVD by the site and they won’t have to pay the creator of that work, or that the bikini-clad photos a user posts of herself will be archived by the site and could be used elsewhere in the media without the model’s consent.

Though the default setting on many social networking sites makes a user’s profile viewable to any user of the site, users can set restrictions on who can see their profiles and who can contact them. Many sites require children to be 13 years of age or older to be a member, and adult content is not allowed on mainstream sites like MySpace and Facebook. The definition of what is “adult,” however, is very much open to interpretation.

Regulation and Censorship

Who gets to decide what kind of content you can view online? The answer is complicated, and involves not just government and obscenity law, but also private companies and their rules for their websites. The Supreme Court has held that neither obscenity nor child pornography is legal, therefore not protected by the First

Amendment. Both are targeted by federal criminal law from which the Internet is not exempt. The Miller test developed in 1973, is supposed to help identify obscene using “community standards.” However, with the advent of the Internet, it’s less clear how and where community standards can be applied.

Many websites create their own community standards and compliance is judged by the staff of site. Both MySpace and Facebook, for example, state their terms of service that adult and obscene content is prohibited – the sites reserve the right to delete user accounts that they find objectionable without warning. Facebook has a policy against nudity on the site; because of this, the site deleted the user account of a Canadian breastfeeding activist Karen Speed in the summer of 2007. Her offense was posting pictures of herself breastfeeding her baby. Regardless of whether or not content featuring breastfeeding is obscene according to the law, Facebook and other membership-based sites are within their right to delete content they judge objectionable.

While some websites are creating their own rules with the aim of protecting users who are under 18, other sites strive to avoid limiting their content or being limited by the application of community standards. Sites like BMEzine, a body modification website with a lot of user-generated content depicting extreme practices, moved its operations outside of the United States in an attempt to circumnavigate potential restrictions on adult content.

Too often matters of sex are used as reason to censor the Internet. The reason to stop censorship of sexual issues on the Internet is valid in its own right under the First Amendment. But another reason is that history has shown that laws used to halt freedom of sexual expression are then used to suppress free speech on non-sexual matters.

Is the Internet mainly for Porn?

Content that is made with the express purpose of arousing sexual interest in adults has blossomed online. Estimates about how much of the content produced for the Internet is intended for sexual arousal vary widely – from a low estimate of 1% to as high as 10%. Much of this content exists on private member-only sites that require a member to be 18 years or older to have a credit card for access. However there is also a profusion of sexual content available for free that will pop up in a simple Google search or may be delivered in the form of SPAM email to an individual’s inbox.

But just because it’s out there, does that mean that porn is launching an assault on all Internet users or senses that should be severely limited or stopped entirely? A requirement that Internet files and communication be purged of indecent words and ima-

would be almost impossible to implement and, if successful, would unconstitutionally restrict adults. For instance, book and periodical publishers print legal non-obscene material that the FCC would call indecent, and more and more of these publishers routinely transmit all their text and graphics through the Internet from editorial to production sites. Banning them from the Internet would significantly restrict the material that is published in print and available to adults. Additionally, if one computer in the network does not transmit a message because it violates indecency guidelines, the Internet automatically searches worldwide to find another that will transmit it. This means that, in the words of John Gilmore, "The Net interprets censorship as damage and routes around it." Efforts to restrict material from all computers in one country are technologically for naught.

Although attempts to limit sexual expression online are often made in the names of children and women, historically, censorship in the name of "decency" has hurt women by restricting access to information about reproduction and sexuality. It has never reduced sexism or violence. Previous centuries have seen much more censorship than we have today and yet much more discrimination against women. The best counter to speech some women may find offensive is not restriction, but adding more women's voices to the mix. If women find the sexual material online offensive, women can -- and should -- disagree with it, analyze, criticize, or just simply avoid it and produce the material they want.

Health and Education

Perhaps the most compelling argument for freedom of expression on the Internet is the access it grants to information. If the flow of information is restricted by the government or by private sector businesses access to information—especially information about sexuality and sexual health—is seriously curtailed. Many adult content filters are programmed to block particular words, so if a filter blocks out the word "sex," search results for "sexually transmitted infections" or "Essex County" would be restricted.

Children's Internet Protection Act (CIPA)

Civil Liberties groups are kept busy in the courts challenging practices and laws that seek to restrict freedom of information on the Internet. One law that has survived challenge is the Children's Internet Protection Act (CIPA). CIPA, which was implemented in 2001, requires schools and libraries to have Internet filtering in place in order to receive government funding for Internet access or internal connections from the E-rate program, a program that makes certain communications technology more affordable to schools and libraries. Schools and libraries subject to CIPA are required to adopt and implement a policy addressing: (a) access by

minors to inappropriate matter on the Internet; (b) the safety and security of minors when using electronic mail, chat rooms, and other forms of direct electronic communications; (c) unauthorized access, including so-called "hacking," and other unlawful activities by minors online;(d) unauthorized disclosure, use and dissemination of personal information regarding minors; and (e) restricting minors access to materials harmful to them.

The material deemed "inappropriate" or "harmful" can be a source of contention. A case in point, the Tennessee library system restricted information regarding lgbt (lesbian, gay, bisexual and trans) issues. In such cases local users who disagree with filtering policies need to fight for their rights to know. The best way to fight censorship is by contacting groups, such as EFF.org and the ACLU that are already organized to do so.

Parental Guidance

Refusing to allow children to use the Internet is like refusing to allow children to learn to read because they may be given objectionable material. The choice isn't keeping children from the Internet or giving them unlimited access to everything there. The choice is parental guidance and control, not government censorship.

The major commercial online providers offer and constantly develop various blocking features that parents can use to keep children out of sites that may contain material they think inappropriate. There are many blocking programs available elsewhere, with features such as a log of what sites the computer has visited, screening of outgoing material, blocking access to files in the computer itself (such as the parents' financial records), and lists of potentially objectionable sites that can then be blocked. Two of the best known programs are Net Nanny and SurfWatch, both selling for under \$50.00. In addition, there are programs available for schools and other institutions to restrict access to a variety of targeted materials including information on games, sports, drugs, or gambling. Some of these will also scan all incoming and outgoing student e-mail for certain words or subjects.

FFE not only supports, but encourages parents to guide the reading, viewing, and listening of their children, and to discuss with their children the many ideas they encounter on the Internet, whether these ideas were discovered through browsing on line or from online social interaction.. FFE believes most Americans would prefer to do this themselves rather than let a government committee decide what their children read, watch, and think. Parents who neglect this aspect of their kids' lives may neglect them in other ways. It is this neglect that needs addressing. If a child is curious enough to ask a

question, that child deserves an answer in language the child can understand. Parents and other adults who argue they are protecting children by leaving them ignorant, actually leave children powerless and defenseless.

Parents can be helped by websites such as the following that provide sex education to youth: Planned Parenthood, Scarleteen, teenwire.com, sexetc.org, and advocatesforyouth.org.

Last Word

Feminists for Free Expression believes the free exchange of ideas on the Internet is something to be respected, cherished and protected.

Resources on Internet Trends and Free Speech

Pew Internet & American Life Project – The Pew Internet & American Life Project produces reports that explore the impact of the internet on families, communities, work and home, daily life, education, health care, and civic and political life. <http://pewinternet.org>

Electronic Frontier Foundation - EFF is the leading civil liberties group defending your rights in the digital world. <http://eff.org>

Developed for FFE by Veronica Vera and Audacia Ray.

JOIN US!

I'm joining Feminists for Free Expression in the fight against censorship. Enclosed are my tax deductible annual dues.

- Member - \$35
- Couple/Family \$60
- Supporting Member \$100
- Patron \$250
- Limited Income/Student Member - \$10

Name _____

Address _____

City _____

State _____ Zip _____

Phone _____ E-mail _____

Please make checks payable to FFE and send to

FEMINISTS FOR FREE EXPRESSION

2525 Times Square Station

New York, NY 10108-2525

Phone/Fax (718) 651-1232

E-Mail: freedom@well.com

Web Site: <http://www.ffeusa.org>

FEMINISTS FOR FREE EXPRESSION



*To suppress free speech
In the name of
Protecting women
Is dangerous and wrong.*

Betty Friedan