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Computer, Internet, Privacy

INTERNET REGULATION: POLICING CYBERSPACE

The Internet is a method of communication and a source

of information that is becoming more popular among those who

are interested in, and have the time to surf the information

superhighway. The problem with this much information being

accessible to this many people is that some of it is deemed

inappropriate for minors. The government wants censorship,

but a segment of the population does not. Legislative

regulation of the Internet would be an appropriate function

of the government.

The Communications Decency Act is an amendment which

prevents the information superhighway from becoming a

computer " red light district." On June 14, 1995, by a vote

of 84-16, the United States Senate passed the amendment. It

is now being brought through the House of Representatives. 1

The Internet is owned and operated by the government,

which gives them the obligation to restrict the materials

available through it. Though it appears to have sprung up

overnight, the inspiration of free-spirited hackers, it in

fact was born in Defense Department Cold War projects of the

1950s. 2 The United States Government owns the Internet and

has the responsibility to determine who uses it and how it

is used.

The government must control what information is

accessible from its agencies.

This material is not lawfully available through

the mail or over the telephone, there is no valid

reason these perverts should be allowed unimpeded

on the Internet. Since our initiative, the

industry has commendably advanced some blocking

devices, but they are not a substitute for

well-reasoned law. 4

Because the Internet has become one of the biggest sources

of information in this world, legislative safeguards are

imperative.

The government gives citizens the privilege of using

the Internet, but it has never given them the right to use

it.

They seem to rationalize that the framers of the

constitution planned & plotted at great length to

make certain that above all else, the profiteering

pornographer, the pervert and the pedophile must

be free to practice their pursuits in the presence

of children on a taxpayer created and subsidized

computer network. 3

People like this are the ones in the wrong. Taxpayer's

dollars are being spent bringing obscene text and graphics

into the homes of people all over the world.

The government must take control to prevent

pornographers from using the Internet however they see fit

because they are breaking laws that have existed for years.

Cyberpunks, those most popularly associated with the

Internet, are members of a rebellious society that are

polluting these networks with information containing

pornography, racism, and other forms of explicit

information.

When they start rooting around for a crime, new

cybercops are entering a pretty unfriendly

environment. Cyberspace, especially the Internet,

is full of those who embrace a frontier culture

that is hostile to authority and fearful that any

intrusions of police or government will destroy

their self-regulating world. 5

The self-regulating environment desired by the cyberpunks is

an opportunity to do whatever they want. The Communications

Decency Act is an attempt on part of the government to

control their " free attitude" displayed in homepages such as

" Sex, Adult Pictures, X-Rated Porn", " Hot Sleazy Pictures

(Cum again + again)" and " sex, sex, sex. heck, it's better

even better than real sex" 6. " What we are doing is simply

making the same laws, held constitutional time and time

again by the courts with regard to obscenity and indecency

through the mail and telephones, applicable to the

Internet." 7 To keep these kinds of pictures off home

computers, the government must control information on the

Internet, just as it controls obscenity through the mail or

on the phone.

Legislative regulations must be made to control

information on the Internet because the displaying or

distribution of obscene material is illegal.

The courts have generally held that obscenity is

illegal under all circumstances for all ages,

while " indecency" is generally allowable to

adults, but that laws protecting children from

this " lesser" form are acceptable. It's called

protecting those among us who are children from

the vagrancies of adults. 8

The constitution of the United States has set regulations to

determine what is categorized as obscenity and what is not.

In Miller vs. California, 413 U. S. at 24-25, the

court announced its " Miller Test" and held, at 29,

that its three part test constituted " concrete

guidelines to isolate 'hard core' pornography from

expression protected by the First Amendment. 9

By laws previously set by the government, obscene

pornography should not be accessible on the Internet.

The government must police the Internet because people

are breaking laws. " Right now, cyberspace is like a

neighborhood without a police department." 10 Currently

anyone can put anything he wants on the Internet with no

penalties. " The Communications Decency Act gives law

enforcement new tools to prosecute those who would use a

computer to make the equivalent of obscene telephone calls,

to prosecute 'electronic stalkers' who terrorize their

victims, to clamp down on electronic distributors of obscene

materials, and to enhance the chances of prosecution of

those who would provide pornography to children via a

computer."

The government must regulate the flow of information on

the Internet because some of the commercial blocking devices

used to filter this information are insufficient.

" Cybercops especially worry that outlaws are now able to use

powerful cryptography to send and receive uncrackable secret

communications and are also aided by anonymous

re-mailers." 11 By using features like these it is

impossible to use blocking devices to stop children from

accessing this information. Devices set up to detect

specified strings of characters will not filter those that

it cannot read.

The government has to stop obscene materials from being

transferred via the Internet because it violates laws

dealing with interstate commerce.

It is not a valid argument that " consenting

adults" should be allowed to use the computer BBS

and " Internet" systems to receive whatever they

want. If the materials are obscene, the law can

forbid the use of means and facilities of

interstate commerce and common carriers to ship or

disseminate the obscenity. 12

When supplies and information are passed over state or

national boundaries, they are subject to the laws governing

interstate and intrastate commerce. When information is

passed between two computers, it is subjected to the same

standards.

The government having the power to regulate the

information being put on the Internet is a proper extension

of its powers. With an information based system such as the

Internet there is bound to be material that is not

appropriate for minors to see. In passing of an amendment

like the Communications Decency Act, the government would be

given the power to regulate that material.

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