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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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