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- > It may be carried out by governments or by private organizations either at the behest of government or on their own initiative. Individuals and organizations may engage in self-censorship on their own or due to intimidation and fear.
- > The issues associated with Internet censorship are similar to those for offline censorship of more traditional media. One difference is that national borders are more permeable online: residents of a country that bans certain information can find it on websites hosted outside the country. Thus censors must work to prevent access to information even though they lack physical or legal control over the websites themselves. This in turn requires the use of technical censorship methods that are unique to the Internet, such as site blocking and content filtering.
- > Unless the censor has total control over all Internet-connected computers, such as in North Korea or Cuba, total censorship of information is very difficult or impossible to achieve due to the underlying distributed technology of the Internet.
- > Pseudonymity and data havens (such as Freenet) protect free speech using technologies that guarantee material cannot be removed and prevents the identification of authors. Technologically savvy users can often find ways to access blocked content. Nevertheless, blocking remains an effective means of limiting access to sensitive information for most users when censors, such as those in China, are able to devote significant resources to building and maintaining a comprehensive censorship system.





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## // TECHNIQUES

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// ADDRESS BLOCKING:
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> Access to a [REDACTED] certain IP address [REDACTED] [REDACTED] is denied. If the target [REDACTED] Web site is hosted in a shared hosting server, all websites on the same server will be blocked.

```
> This affects IP-based protocols such as HTTP, FTP and POP. A typical circumvention method is to find proxies that have access to the target websites, but proxies may be jammed or blocked, and some Web sites, such as Wikipedia (when editing), also block proxies. Some large websites such as Google have
```

allocated additional IP addresses to circumvent the block, but later the block was extended to cover the new addresses.

```
// DOMAIN NAME SYSTEM (DNS)
// FILTERING AND REDIRECTION:

> Blocked domain names are
  not resolved, or an incor-
  rect IP address is re-
  turned via DNS hijacking
  or other means. This af-
  fects all IP-based pro-
  tocols such as HTTP, FTP
  and POP. A typical cir-
  cumvention method is to
  find an Alternative DNS
  root that resolves do-
  main names [REDACTED]
  [REDACTED] cor-
  rectly, [REDACTED]
  but domain name servers
  are subject to blockage
  as well, especially IP
  address blocking. Another
```

workaround is to bypass DNS if the IP address is obtainable from other sources and is not itself blocked.

```
> Examples are modifying the
  Hosts file or typing the
  IP address instead of the
  domain name as part of a
  URL given to a Web brow-
  ser.
```

```
// UNIFORM RESOURCE
LOCATOR FILTERING:
```

```
> URL strings are scanned
  for target keywords re-
  gardless of the domain
  name specified in the URL.
  This affects the HTTP pro-
  tocol. Typical circumven-
  tion methods are to use
  escaped characters in the
  URL, or to use encrypted
  protocols such as VPN and
  TLS/SSL.
```



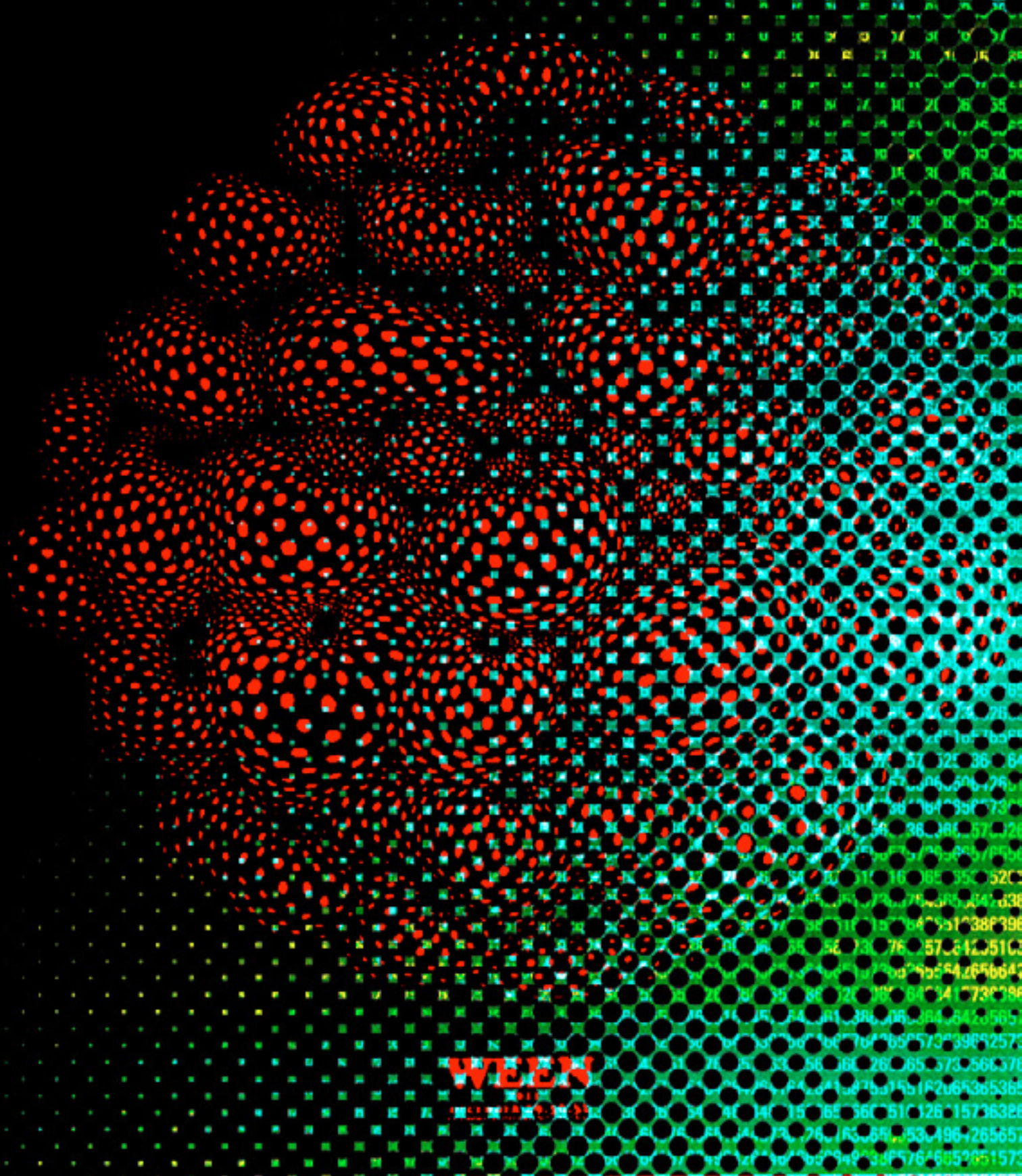
// PACKET FILTERING:  
  
> Terminate TCP packet transmissions when a certain number of controversial keywords are detected. This affects all TCP-based protocols such as HTTP, FTP and POP, but Search engine results pages are more likely to be censored. Typical circumvention methods are to use encrypted connections - such as VPN and TLS/SSL - to escape the HTML content, or by reducing the TCP/IP stack's MTU/MSS to reduce the amount of text contained in a given packet.  
  
// CONNECTION RESET:  
  
> If a previous TCP connection is blocked by the filter, future connection attempts from both sides can also be blocked for some variable amount of time. Depending on location of the block, other users or websites may also be blocked, if the communication is routed through the blocking location. A

circumvention method is to ignore the reset packet sent by the firewall.  
  
// NETWORK DISCONNECTION:  
  
> A technically simpler method of Internet censorship is to completely cut off all routers, either by software or by hardware (turning off machines, pulling out cables). This appears to have been the case on 27/28 January 2011 during the 2011 Egyptian protests, in what has been widely described as an «unprecedented» internet block. About 3500 Border Gateway Protocol (BGP) routes to Egyptian networks were shut down from about 22:10 to 22:35 UTC on January the 27<sup>th</sup>. This full block was implemented without cutting off major inter-continental fibre-optic links, with Renesys stating on 27 January, «Critical European-Asian fiber-optic routes through Egypt appear to be unaffected for now.» Full blocks also occurred in Myanmar/Burma in 2007, Libya in 2011, and Syria during the Syrian civil war (which is still going on).

// PORTAL CENSORSHIP AND SEARCH RESULT REMOVAL:  
  
> Major portals, including search engines, may exclude web sites that they would ordinarily include. This renders a site invisible to people who do not know where to find it. When a major portal does this, it has a similar effect as censorship. Sometimes this exclusion is done to satisfy a legal or other requirement, other times it is purely at the discretion of the portal. For example Google.de (Germany) and Google.fr (France) remove Neo-Nazi.  
  
// COMPUTER NETWORK ATTACKS:  
  
> Denial-of-service attacks and attacks that deface opposition websites can produce the same result as other blocking techniques, preventing or limiting access to certain websites or other online services, although only for a limited period of time. This technique might be used during the lead up to an election or some other sensitive period. It is more frequently used by non-state actors seeking to disrupt services.

- > 1/3 of the internet users don't have access to a free Internet
- > More than 60 countries are censoring the Internet or harrassing netizens
- > At least 119 people are in jail for using the Web to express themselves
- > 10 countries are considered as enemies of the Internet, 16 are under surveillance

chiffres reporters sans frontières, march 2011





// COMMON  
TARGETS

- > There are several motives or rationales for Internet filtering: politics and power, social norms and morals, and security concerns. Protecting existing economic interests is an additional emergent motive for Internet filtering. In addition, networking tools and applications that allow the sharing of information related to these motives are themselves subjected to filtering and blocking.
- > And while there is considerable variation from country to country, the blocking of web sites in a local language is roughly twice that of web sites available only in English or other international languages.

// POLITICS AND POWER

- > Censorship directed at political opposition to the ruling government is common in authoritarian and repressive regimes. Some countries block web sites related to religion and minority groups, often when these movements represent a threat to the ruling regimes.
- Examples include:**
- *Political blogs and web sites*
  - *Lèse majesté sites, sites with content that offends the dignity of or challenges the authority of a reigning sovereign or of a state*
  - *Falun Gong and Tibetan exile group sites in China or Buddhist, Cao Dai faith, and indigenous hill tribes sites in Vietnam*
  - *Sites aimed at religious conversion from Islam to Christianity*

// SOCIAL NORMS  
AND MORALS

- > Social filtering is censorship of topics that are held to be antithetical to accepted societal norms. In particular censorship of child pornography and to protect children enjoys very widespread public support and such content is subject to censorship and other restrictions in most countries.
- Examples include:**
- *Sites that include hate speech inciting racism, sexism, homophobia, or other forms of hatred*
  - *Sites seen as promoting illegal drug use (Erowid)*
  - *Sex and erotic, fetishism, prostitution, and pornographic sites*
  - *Child pornography and pedophile related sites (see also CIRCAMP)*
  - *Gambling sites*
  - *Sites encouraging or inciting violence*
  - *Sites promoting criminal activity*
  - *Nazi and similar websites*
  - *Sites that contain blasphemous content, particularly when directed at a majority or state supported religion*
  - *Sites that contain defamatory, slanderous content*
  - *Sites that include political satire*

// SECURITY CONCERNS

- > Many organizations implement filtering as part of a defence in depth strategy to protect their environments from malware, and to protect their reputations in the event of their networks being used, for example, to carry out sexual harassment.
  - > Internet filtering related to threats to national security that targets the Web sites of insurgents, extremists, and terrorists often enjoys wide public support.
- Examples include:**
- *Blocking of pro-North Korean sites by South Korea*
  - *Blocking sites of groups that foment conflict in India*
  - *Blocking of sites of the Muslim Brotherhood in some countries in the Middle East*
  - *Blocking Wikileaks*
  - *Blocking sites such as 4chan thought to be related to the group Anonymous*

// PROTECTION OF EXISTING  
ECONOMIC INTERESTS

- > The protection of existing economic interests is sometimes the motivation for blocking new Internet services such as low-cost telephone services that use Voice over Internet Protocol (VoIP). These services can reduce the customer base of telecommunications companies, many of which enjoy entrenched monopoly positions and some of which are government sponsored or controlled.
  - > Self-described pirates Christian Engström, Rick Falkvinge and Oscar Swartz have alleged that censorship of child pornography is being used as a pretext by copyright lobby organizations to get politicians to implement similar site blocking legislation against copyright-related piracy.
- Examples include:**
- *Filesharing and Peer-to-peer (P2P) related web-sites*
  - *Skype*
  - *Sites that sell or distribute music, but are not 'approved' by rights holders, such as allofmp3*

// NETWORK TOOLS

- > Blocking the intermediate tools and applications of the Internet that can be used to assist users in accessing and sharing sensitive material is common in many countries.
- Examples include:**
- *Media sharing websites (e.g. Flickr and YouTube)*
  - *Social networks (e.g. Facebook and MySpace)*
  - *Translation sites and tools*
  - *E-mail providers*
  - *Web hosting sites*
  - *Blog hosting sites such as Blogspot*
  - *Microblogging sites such as Twitter and Weibo*
  - *Wikipedia*
  - *Censorship circumvention sites*
  - *Anonymizers*
  - *Proxy avoidance sites*
  - *Search engines such as Bing and Google - particularly in Mainland China and Cuba*



# < ~~ETHICS AND LAW~~ ~~IN CYBERSPACE~~ >

Where government try to apply  
their rules, and where  
several groups of people  
make their own

> In the spring of 1996, at an annual conference organized under the name “Computers, Freedom, and Privacy” (CFP), two science-fiction writers told stories about cyberspace’s future. Vernor Vinge spoke about “ubiquitous law enforcement,” made possible by “fine-grained distributed systems”; through computer chips linked by the Net to every part of social life, a portion would be dedicated to the government’s use. This architecture was already being built—it was the Internet—and technologists were already describing its extensions.

> As this network of control became woven into every part of social life, it would be just a matter of

time, Vinge threatened, before government claimed its fair share of control. Each new generation of code would increase this power of government.

> The future would be a world of perfect regulation, and the architecture of distributed computing—the Internet and its attachments—would make that possible.

> Tom Maddox followed Vinge. His vision was very similar, though the source of control, different. The government’s power would not come just from chips. The real source of power, Maddox argued, was an alliance between government and commerce. Commerce, like government, fares better in a better regu-

lated world. Property is more secure, data are more easily captured, and disruption is less of a risk. The future would be a pact between these two forces of social order.

> The issue of personal jurisdiction over cyberactors is of great importance to consumers and businesses alike who wish to partake in the myriad types of transactions made possible through the Internet. This module addresses the rules and doctrines for deciding when a forum may exercise personal jurisdiction over a party based on the nature of her activities in cyberspace.

> The module begins with a brief summary of the law of personal jurisdiction,

focusing primarily on  
Supreme Court  
jurisprudence outlining  
the Due Process require-  
ments for exercising per-  
sonal jurisdiction. This  
sets the stage for ap-  
plying these principles to  
cyberspace.

> The module discusses the  
extent to which these  
principles can be applied  
coherently in cyberspace,  
and whether reasoned dis-  
tinctions can be drawn by  
focusing on a few, rele-  
vant criteria related to  
the nature of the activi-  
ties of the cyberactors  
in question. Such criteria  
include the specific cha-  
racteristics of a party's  
web site, for example,  
the extent of interacti-  
vity permitted; the nature  
of the defendant's acti-  
vity; and the nature of  
the plaintiff's claim. The  
module concludes by exami-  
ning two specific proposals  
for personal jurisdiction  
in cyberspace.

> This is the age of the  
cyber-libertarian. It is  
a time when a certain  
hype about cyberspace has  
caught on. The hype goes  
like this: Cyberspace is  
unavoidable, and yet cy-  
berspace is unregulable.  
No nation can live without  
it, yet no nation will be  
able to control behavior  
in it. Cyberspace is that  
place where individuals  
are, inherently, free from  
the control of real space  
sovereigns. It is, in the  
words of James Boyle, the  
great techno-"gotcha" –  
nations of the world, you

can't live with out it,  
but nations of the world,  
when you've got it, you  
won't live long with it.

> But the most important  
real space constraint  
is what I've called ar-  
chitecture. For all of  
these other regulations  
in real space depend on  
this constraint of archi-  
tecture. Laws and norms  
and market can discrimi-  
nate against kinds in real  
space, since it is hard in  
real space to hide that  
you are a kid. Of course,  
a kid can don a mustache,  
and put on stilts, and try  
to enter a porn shop to  
buy porn. But for the most  
part, disguises will fail.

For the most part, it will  
be too hard to hide that  
he is a kid. Thus, for the  
most part, constraints  
based on being a kid are  
constraints that can be  
effective.

> Cyberspace is different.  
For even if we assume that  
the same laws apply to cy-  
berspace as to real space,  
and even if we assume that  
the constraints of norms  
and the market carried  
over as well, even so,  
there remains a critical  
difference between the two  
spaces. In real space it  
is hard to hide that you  
are a kid, in cyberspace,  
hiding who you has now be-  
came normality.

< The Internet  
< treats censor-  
< ship  
< as a  
< malfunction and  
< routes  
< around it >

John Perry Barlow

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## // ACTORS & ORGANIZATIONS

// ANONYMOUS

> Associated international network of activists and hacktivists. A website associated with the group describes it as «an internet gathering» with «a very loose and decentralized command structure that operates on ideas rather than directives».

// CIRCAMP

> one of many COSPOL (Comprehensive Operational Strategic Planning for the Police) projects aimed at combating borderless or multi-national crime in Europe.

// ELECTRONIC  
FRONTIER FONDATION

> EFF has taken action in several ways. It provides funds for legal defense in court, presents amici curiae briefs, defends individuals and new technologies from baseless or misdirected legal threats, works to expose government malfeasance, provides guidance to the government and courts, organizes political action and mass mailings, supports some new technologies which preserve personal freedoms, maintains a database and web sites of related news and information, monitors and challenges potential legislation that would infringe on personal liberties and fair use, and solicits a list of patent abuses.

// FREEDOM HOUSE

> A U.S. based non-profit that produces the Freedom on the Net reports, among others.

// GLOBAL INTERNET  
FREEDOM CONTORSIUM

> Consortium of organizations that develop and deploy anti-censorship technologies for use by Internet users in countries whose governments restrict Web-based information access. The organization was reportedly begun in 2001 by Chinese-born scientists living in the United States reacting against Chinese government oppression of the Falun Gong.

// INTERNET  
GOVERNANCE FORUM

> Forum for policy dialogue on issues of Internet governance. It brings together all stakeholders in the Internet governance debate. The establishment of the IGF was announced by the United Nations Secretary-General in July 2006.

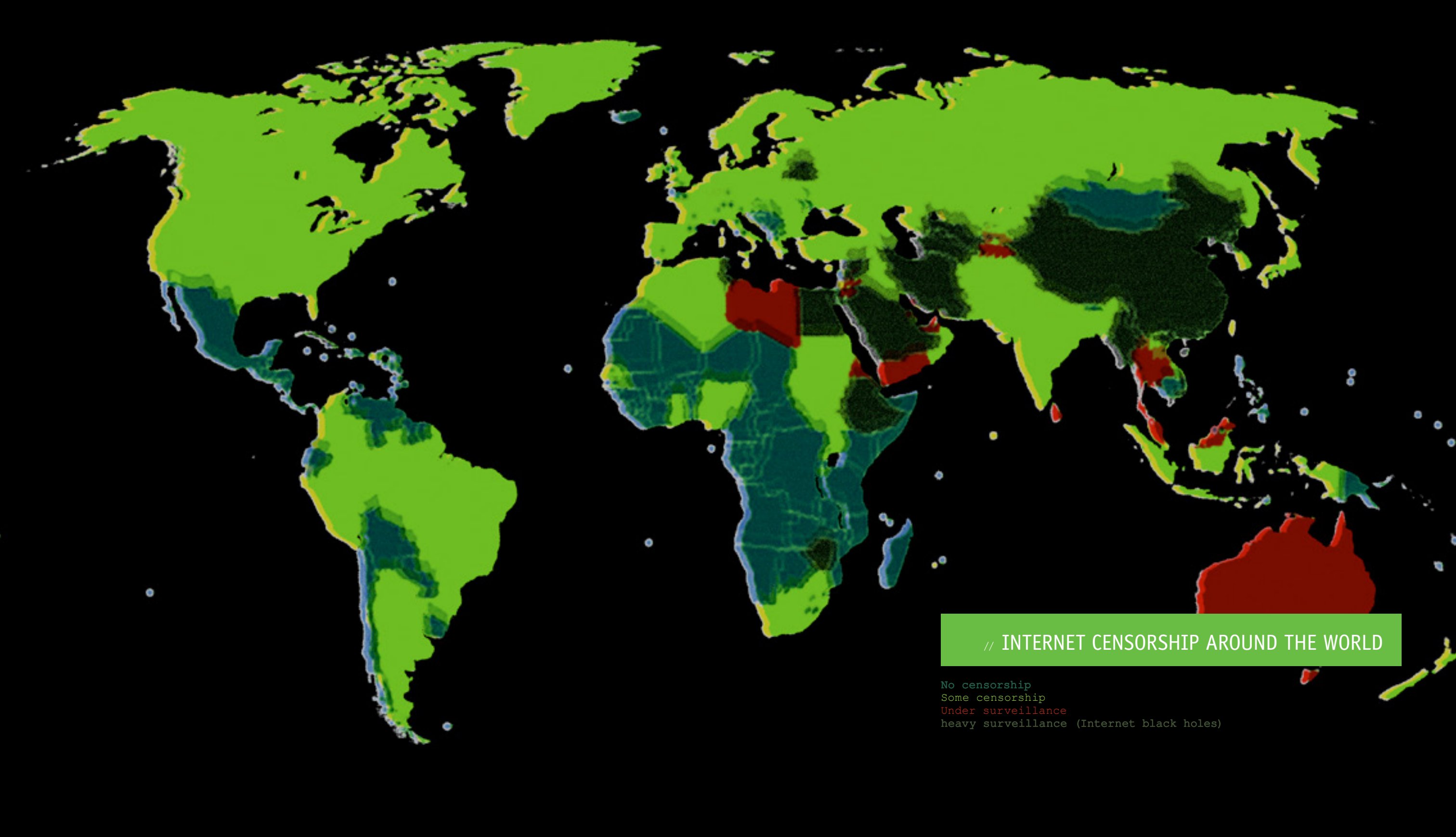
// OPEN NET  
INITIATIVE

> O.N.I. is a joint project whose goal is to monitor and report on internet filtering and surveillance practices by nations. The project employs a number of technical means, as well as an international network of investigators, to determine the extent and nature of government-run internet filtering programs. Participating academic institutions include the Citizen Lab at the Munk Centre for International Studies, University of Toronto; Berkman Center for Internet & Society at Harvard Law School;etc.

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## // INTERNET CENSORSHIP AROUND THE WORLD

No censorship  
Some censorship  
Under surveillance  
heavy surveillance (Internet black holes)

**[REDACTED] FREEDOM**

**[REDACTED]**

**ON [REDACTED]**

**[REDACTED] THE [REDACTED]**

**[REDACTED] INTERNET**



# < ~~INS AND OUTS~~ >

The concept revolves around administrative control or suppression of publishing information on the Internet or accessing it.

> Under this concept, the reception of those web pages which are deemed unfit by the administrative body of the said country are blocked by government sanctions. Censorship on Internet access exist in many parts of the world, including the United States of America, to a certain extent. Several countries, have been referred to as the enemies of the Internet by Reporters Without Borders - a Paris based non-government organization which advocates the freedom of press. To quote RWP - «these countries mark themselves out not just for their capacity to censor news and information online but also for their almost systematic repression of Internet users.»

> Most of the progressive groups are of the opinion that Internet censorship to an extent is justified, but the onus is on the government to ensure that it doesn't hamper the freedom of press or result in systematic repression of Internet users - as highlighted by the Reporters Without Borders (RWP). Going through its pros and cons will help you get a better understanding of this concept, and its implications on the society.

// ADVOCATES OF INTERNET CENSORSHIP

> Advocates of Internet censorship argue that there has to be some regulation on this medium of mass media - the absence of

which can result in some serious implications of the society. Even other means of mass media - such as television and books, have censoring authorities which implies that there is no problem in having such authorities monitoring what is being published on the Internet. Irrespective of whether it is on the television or on Internet, racial comments and pornography can never be justified. It may be easier to trace a person who uses television as a medium to spread hatred or porn, but it is very difficult to do so on the Internet with no boundaries whatsoever. The fact that the chances of being traced are very rare makes people resort to various criminal activities, right

from sexual exploitation of children to running drug cartels from a particular part of the world, on the Internet. While laws pertaining to various Internet crimes do exist, it is very difficult to book a person on such charges - especially if he is not from the same country. The rising number of crimes validates this very fact, and those in its favor cite this as the reason for their justification of Internet regulation.

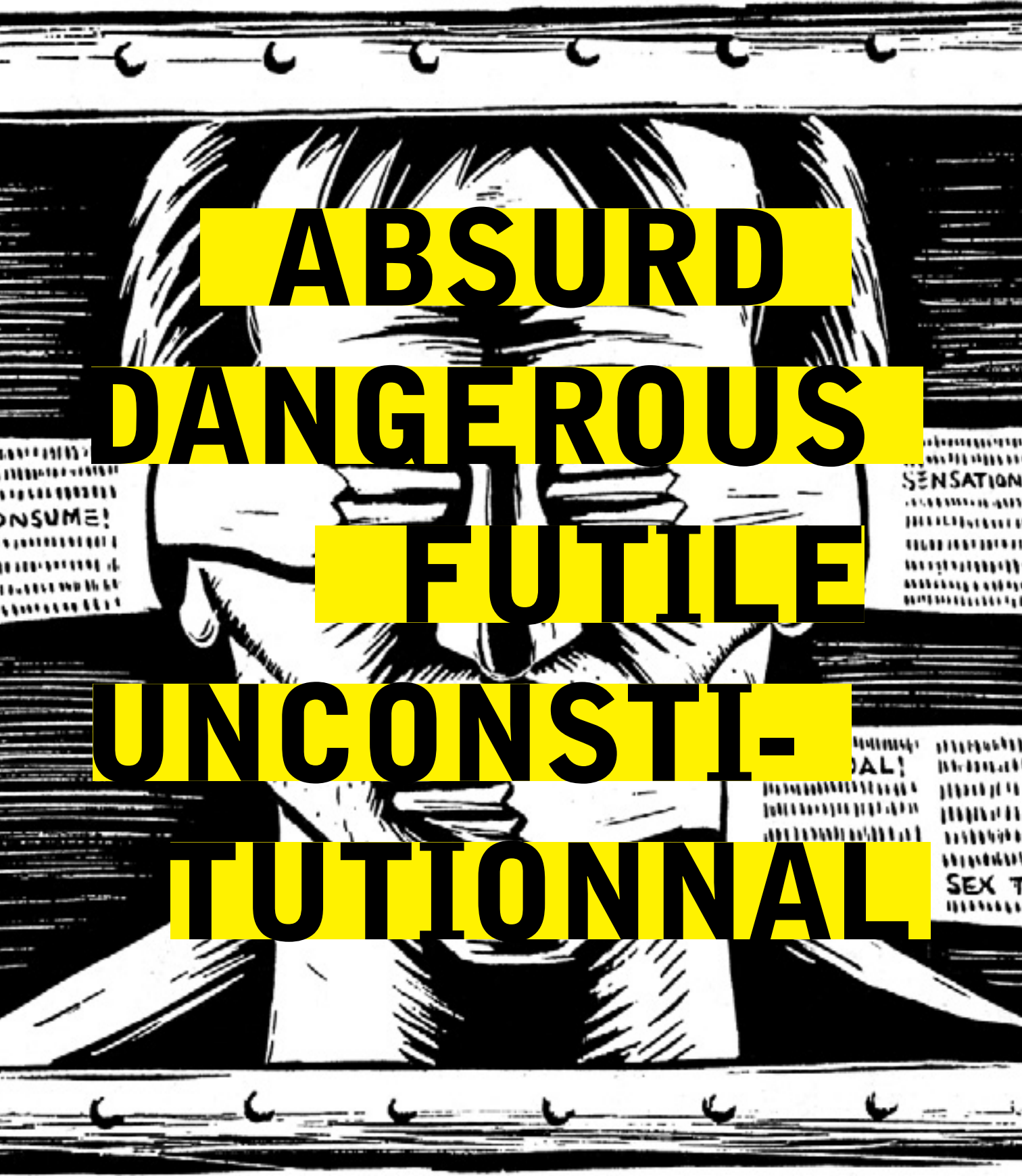
// CENSORSHIP: ██████ A ██████  
██████ VIOLATION OF INTERNET PRIVACY

> According to the critics of Internet censorship, it is a blatant violation of Internet privacy and

freedom of press - which is used by authoritative administration to suppress the effectiveness of this means of mass media. The critics also question the idea of Internet Service Providers deciding what to put on the Internet and what to omit, as the chances of these service providers being biased cannot be ruled out. As far as government regulation is concerned, the government can only regulate what is going on in their country, but it is very difficult to regulate web pages which are generated from other countries. On the legal front, the owners of these websites can sue the administration over blocking their websites as well. While that may seldom work in non-de-

mocratic countries, it is an effective tool for such companies in democratic countries. At the same time, such censorship is also bound to come heavy on taxpayers pocket because the government will have to put in more funds to tackle new concepts of technology, such as proxy server, which keep on changing now and then.

> Evaluation of these pros and cons reveals that such restrictions and censorship can be used as well as misused. While the pros of Internet censorship may make you believe that this is the need of this hour, its cons are bound to make you feel that such concepts don't have place in democracy.



# < ~~WHY CENSORSHIP~~ ~~IN CYBERSPACE IS~~ ~~DANGEROUS AND FUTILE~~ >

Should it be illegal to publish literature with "indecent" content on the Internet but perfectly legal to publish that same work in print?

## // INTRODUCTION

> This question has spawned the debate over Internet censorship, which is currently raging in the United States Congress as well as in other political forums around the world. The question as to whether the Internet should be censored will continue to be debated for many years to come. As with any political topic, the debate over Internet censorship has its extremes. Many proponents of Internet censorship want strict control over this new information medium. Proponents of Internet censorship such as Senator Jim Exon (D-NE), co-author of the Communications Decency Act (CDA), are in favor of putting strict

laws into place regulating the Internet in order to protect children: "The Decency Act stands for the premise that it is wrong to provide pornography to children on computers just as it is wrong to do it on a street corner or anywhere else" (Exon).

> These proponents suggest creating laws for the Internet similar to those now in place for television and radio. Those strongly opposing Internet regulations, such as the Citizens Internet Empowerment Coalition (CIEC), assert that the Internet is not like a television and should not be regulated like one.

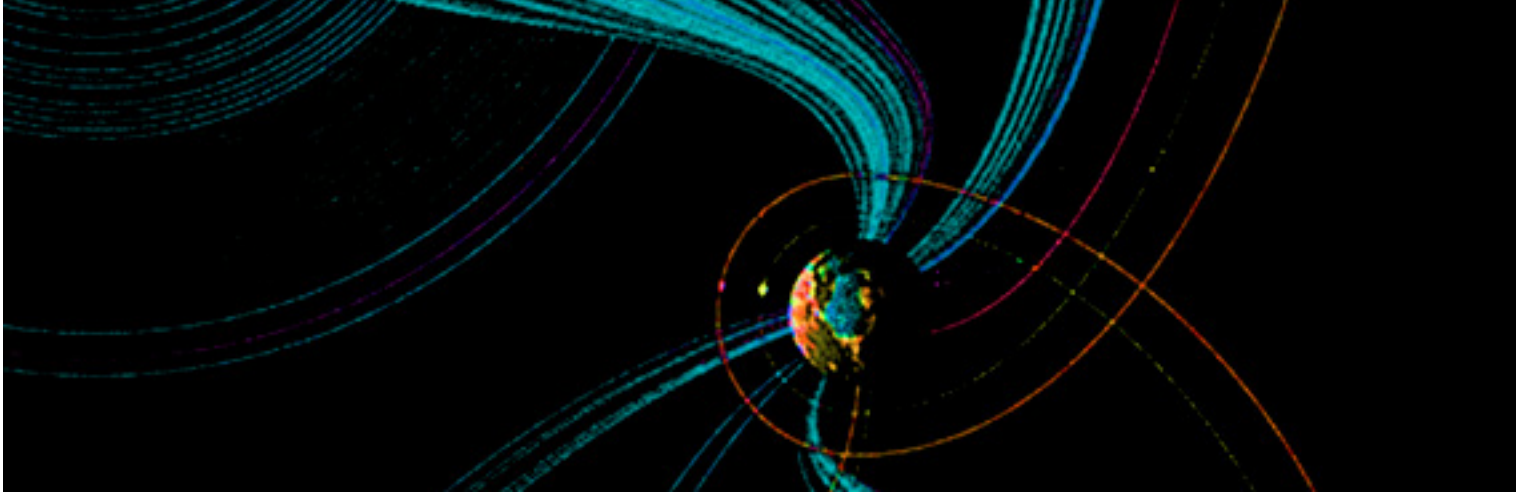
> Both sides base their respective arguments on how

they view the new information medium. Though the laws that Congress are proposing to regulate the Internet are well intentioned, I strongly believe that the Internet should not be censored because any law encroaching on the people's right to free speech is a obvious breach of First Amendment rights and because laws limiting Internet speech are too broad and unenforceable on this global medium.

## // LEGISLATING THE WEB

> To understand why legislators are attempting to censor the Internet despite the fact that it is absurd and Unconstitutional, one must first understand how the Internet came to be and how it concep-





tually works. According to Internet historian Dave Kristula, the first inklings of the Internet began in the United States in 1969 as a network of four servers called the APRANET. ARPA (the Advanced Research Projects Agency), a division of the Department of Defense, created the ARPANET for military research so that the information on the network would be decentralizedized and could survive a nuclear strike. The network continued to grow in size and speed as technology increased over the next two decades. Standards began to set in such as the TCP/IP protocol for network transmission of

data. By 1990 the Hypertext Transfer Protocol (HTTP) had been created to standardize the way in which Internet documents are sent and received (Kristula).

> By 1994, the APRANET was disbanded, and the Internet became a public network connecting more than 3,000,000 computers together worldwide. Commercial organizations began to offer services over the Internet such as online ordering of pizzas (Kristula). At present, millions of companies are now online offering products and services such as software, hardware, books, games and adult oriented

photographs. Though estimates vary, the consensus is that the amount of providers and users of the Internet has nearly doubled each year since 1987 (Kristula). Since the Internet grew into the public eye so fast, many people were caught off guard and concerns began to mount.

// INTERNET: A FLOW OF INFORMATIONS

> The unregulated flow of information that the Internet provides created concerns with parents and politicians beginning in the early and middle 1990's. Adult oriented web sites such as the Playboy

web site prompted organizations such as Enough is Enough, a non-profit, non-partisan women's organization, to lobby Congress for legislation protecting their children from adult oriented content. Bills such as The Protection of Children from Computer Pornography Act of 1995 (PCCPA) began to appear before the House and Senate. In her testimony before the Senate, Dee Jepsen, Executive Director of Enough Is Enough, explained why her organization feels that pornography should be censored on the Internet through the PCCPA: women speak with a special authority on the issue of pornography—for we, and our children are its primary subjects...and its primary victims. Pornography demeans and degrades women, victimizes children and ruins men. It contributes to domestic and spouse abuse, rape, incest and child molestation. And a great share of it is not protected speech, any more than libel, slander or false advertising are pro-

tected speech; therefore, it is not a 1st Amendment issue. It is not legal material. Many Americans do not realize this fact.

> It should be noted that Jepsen's intentions are much broader than just censorship of pornography and violence on the Internet. She wants to see pornography censored on a much broader spectrum, including traditional print. Jepsen and her organization are attempting to use the Internet as their model for pornographic censorship.

> Though the PCCPA was not realized itself, the organization was successful in lobbying for another similar bill co-authored by Senator Exon named the Communications Decency Act of 1996 which passed as part of the Telecommunications Act of 1996 (Telcom Act) and was signed into law by President Bill Clinton. The CDA allows the government to regulate and censor speech on the Internet as explained by James Plummer, writer for

the Consumers' Research Magazine:

// THE ABSURDITY OF A PENALTY

> The CDA penalizes not only people and companies who transmit or "make available" "indecent" and/or "patently offensive" material to minors, but also those who "knowingly permit any telecommunications facility under [his] control to be used for any activity prohibited." What does this mean? For instance, in effect, it means that your Internet Service Provider (ISP) is legally liable for anything you email, post to a newsgroup, or put on a web page. (Plummer 33)

> The passage of the CDA inspired new organizations such as the Electronic Frontier Foundation (EFF) and the Citizens Internet Empowerment Coalition (CIEC) to form in order to protect free speech and commerce on the Internet. The CIEC challenged the CDA on the grounds that "the Internet is a unique

< Individuals and organizations may engage in self-censorship on their own or due to intimidation and fear >

communications medium, different from traditional broadcast mass media, which deserves broad First Amendment protections" ("The Internet Is Not A Television"). In conjunction with the ACLU and a breadth of companies representing the computer industry such as Microsoft and America Online, the CIEC challenged the CDA in federal court on the basis that it violates First Amendment rights and is unenforceable:

- > By imposing broadcast-style content regulations on the open, decentralized Internet, the CDA severely restricts the first amendment rights of all Americans and threatens the very existence of the Internet itself. Although well intentioned, the CDA can never be effective at controlling content on a global medium, where a web site in Sweden is as close as a site in Boston. The CIEC case is based on the argument that the only effective and constitutional way to control children's access to objectionable material on the Internet is to rely on user control.
- > As defendants in the CDA case, the Justice Department argued that the CDA is necessary because "The Internet threatens to give every child a free pass into the equivalent of every adult bookstore and every adult video store in the country" (Mattos). Other proponents

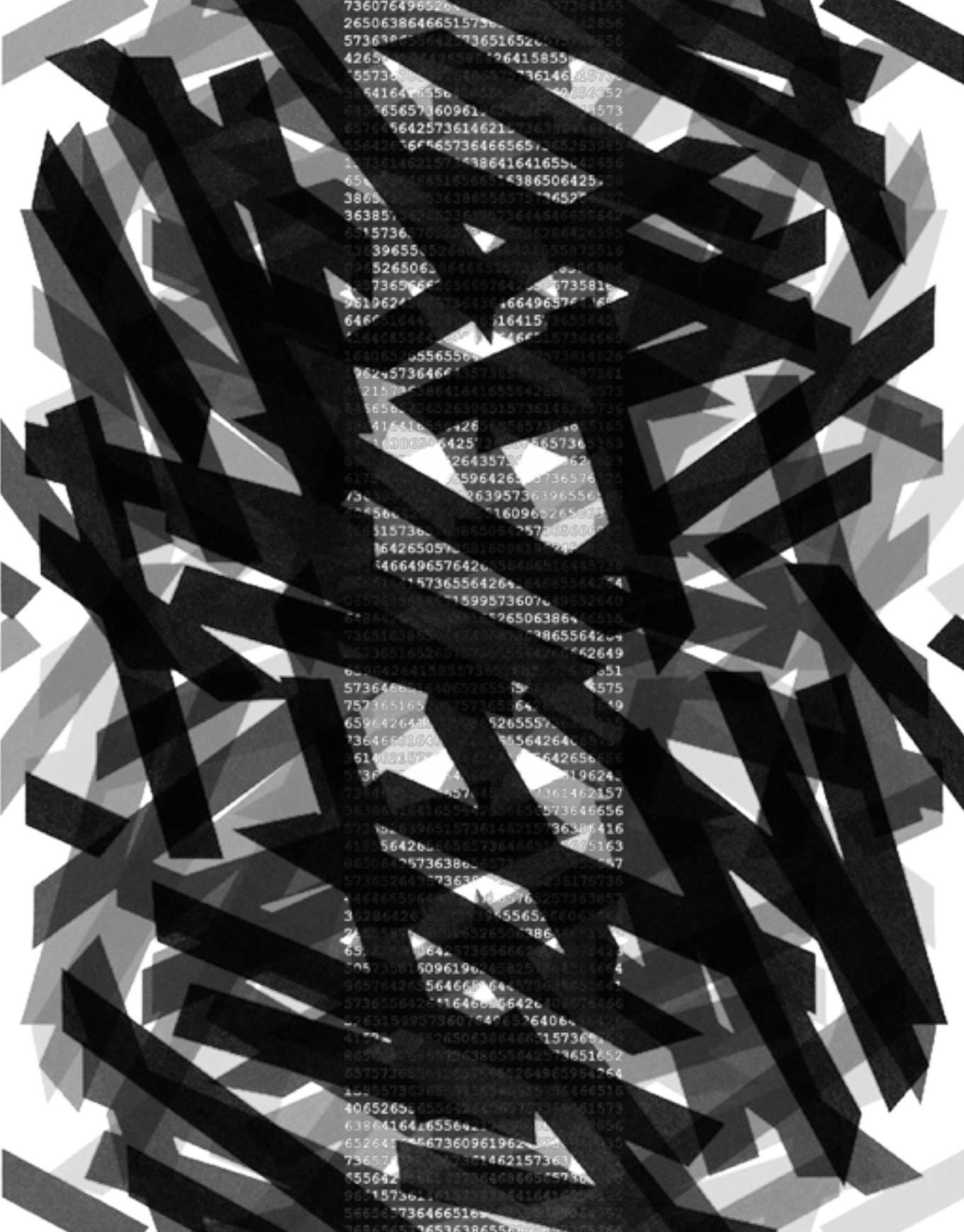
of the CDA such as President Clinton believe the bill is Constitutional: "I remain convinced, as I was when I signed the bill, that our Constitution allows us to help parents by enforcing this Act to prevent children from being exposed to objectionable material transmitted through computer networks" (Clinton). In a 175 page decision, the federal judges of the U.S. District Court for the Eastern District of Pennsylvania found the CDA Unconstitutional on the basis that it violates the First Amendment right to free speech and the Fifth Amendment right to due process. In the written decision, Judge Ronald L. Buckwalter asserts that:

- > It is, of course, correct that statutes that attempt to regulate the content of speech presumptively violate the First Amendment... That is as it should be. The prohibition against Government's regulation of speech cannot be set forth any clearer than in the language of the First Amendment. ("American Civil Liberties Union
- > Concurring with Judge Buckwalter that the CDA is Unconstitutional, Judge Stewart Dalzell wrote:
- *the Internet may fairly be regarded as a never-ending worldwide conversation. The Government may not, through the CDA, interrupt that conversation. As the most participatory form of mass speech yet developed,*

*the Internet deserves the highest protection from governmental intrusion.* ("American Civil Liberties Union et al v. Janet Reno")

// CONCLUSION

- > In response to the decision, the Justice Department immediately appealed the decision to the Supreme Court where arguments were heard in March of 1997.
- > The cause of the confusion over whether the Internet should be censored was fully demonstrated in the Supreme Court hearing on the CDA. The confusion is caused by a general ignorance of what the Internet actually is. This general ignorance regarding the Internet was noted by Time reporter Jenifer Mattos in her article on the CDA Supreme Court hearing in which the nine justices were constantly searching for a real-world analogy that they could use to justify their decision. For example, Justice Sandra Day O'Connor attempted to quantify the Internet with a real-world analogy by calling it a public arena "much like a street corner or a park." (Mattos). Justice Stephen Breyer asserted that the Internet "is very much like a telephone" and that the CDA could "make large numbers of high school students across the country guilty of federal crimes" for having online conversations about their sexual experiences.





# < ANALYZING EXAMPLES >

## // THE GREAT FIREWALL OF CHINA

By **Yao Xiao**, Exchange articles  
co-manager, Syracuse Univer-  
sity public diplomacy student

> An article titled Hackers, bloggers and professors team up to tap into locked microblog content was published on Global Times (an English-Language daily tabloid under the auspices of People's Daily, as an extended organ of the Central Committee of the Communist Party of China) on July 29th, 2013. It went viral on Sina Weibo (the most influential and popular social media network in China) and was deleted shortly after its zooming publicity.

> blocked on Weibo and the ideals of their founders, who are mostly Chinese patriotists living overseas or foreigners based in China. Freeweibo, for example, launched on October 10th, 2012, displays

content that are deleted or blocked on Weibo and breaks search results down to "blocked by Sina Weibo" and "official search results" for its users. Greatfire is another project that provides a database of blocked keywords and URLs and monitors websites to see if they are blocked. The founders of these websites have all remained anonymous to avoid political risks and these sites are unfortunately not accessible in the mainland.

> It is also pointed out in this article that Chinese citizens in general have little knowledge about Internet censorship. When asked about their opinion on Google's withdrawal from

the mainland, people did not seem to care and simply repeated the official statement that "censorship is just and necessary".

> Academic efforts on studying social media and Internet regulations are restricted under the Great Firewall (also known as the Golden Shield Project, a censorship and surveillance project operated by Ministry of Public Security of the Chinese government). Websites such as Freeweibo could be a good inspiration and a valuable source of data for other projects if made accessible to professors and students who observe and study how Internet and media operate in China. WeiboScope, for example, a data collection and vi-

sualization system developed by the Journalism and Media Studies Center of the University of Hong Kong, is also blocked in the mainland. It is one thing to block sensitive incidents and alle-

ged scandals from popping up in one's social media feeds, and quite another thing to impede research and analysis on the impact of regulations and policies. With such "thorough" censorship, it is hard to convince the world that this nation is

moving toward to a more democratic future.

> The Great Wall of China may have won numerous tourists over home and abroad, but the Great Firewall of China only functions to push hearts and minds away.





## // STOP ONLINE PIRACY ACT

> The Stop Online Piracy Act (SOPA) is a United States bill introduced by U.S. Representative Lamar S. Smith (R-TX) to expand the ability of U.S. law enforcement to combat online copyright infringement and online trafficking in counterfeit goods. Provisions include the requesting of court orders to bar advertising networks and payment facilities from conducting business with infringing websites, and search engines from linking to the websites, and court orders requiring Internet service providers to block access to the websites. The law would expand existing criminal laws to include unauthorized streaming of copyrighted content, imposing a maximum penalty of five years in prison.

> Proponents of the legislation state it will protect the intellectual-property market and corresponding industry, jobs and revenue, and is necessary to bolster enforcement of copyright laws, especially against foreign-owned and operated websites. Claiming flaws in present laws that do not cover foreign-owned and operated websites, and citing examples of active promotion of rogue websites by U.S. search engines, proponents assert stronger enforcement tools are needed.

> Opponents state the proposed legislation threatens free speech and innovation, and enables law enforcement to block

access to entire internet domains due to infringing content posted on a single blog or webpage. They have raised concerns that SOPA would bypass the "safe harbor" protections from liability presently afforded to websites by the Digital Millennium Copyright Act. Library associations have

expressed concerns that the legislation's emphasis on stronger copyright enforcement would expose libraries to prosecution. Other opponents state that requiring search engines to delete domain names violates the First Amendment and could begin a worldwide arms race of unprecedented Internet censorship.

> On January 18, 2012, the English Wikipedia, Google, and an estimated 7,000 other smaller websites coordinated a service blackout, to raise awareness. Wikipedia claims more than 162 million people viewed its banner. Other protests against SOPA and PIPA included petition drives, with Google stating it collected over 7 million signatures, boycotts of companies and organizations that support the legislation, and an opposition rally held in New York City.

> In response to the protest actions, the Recording Industry Association of America (RIAA) stated,

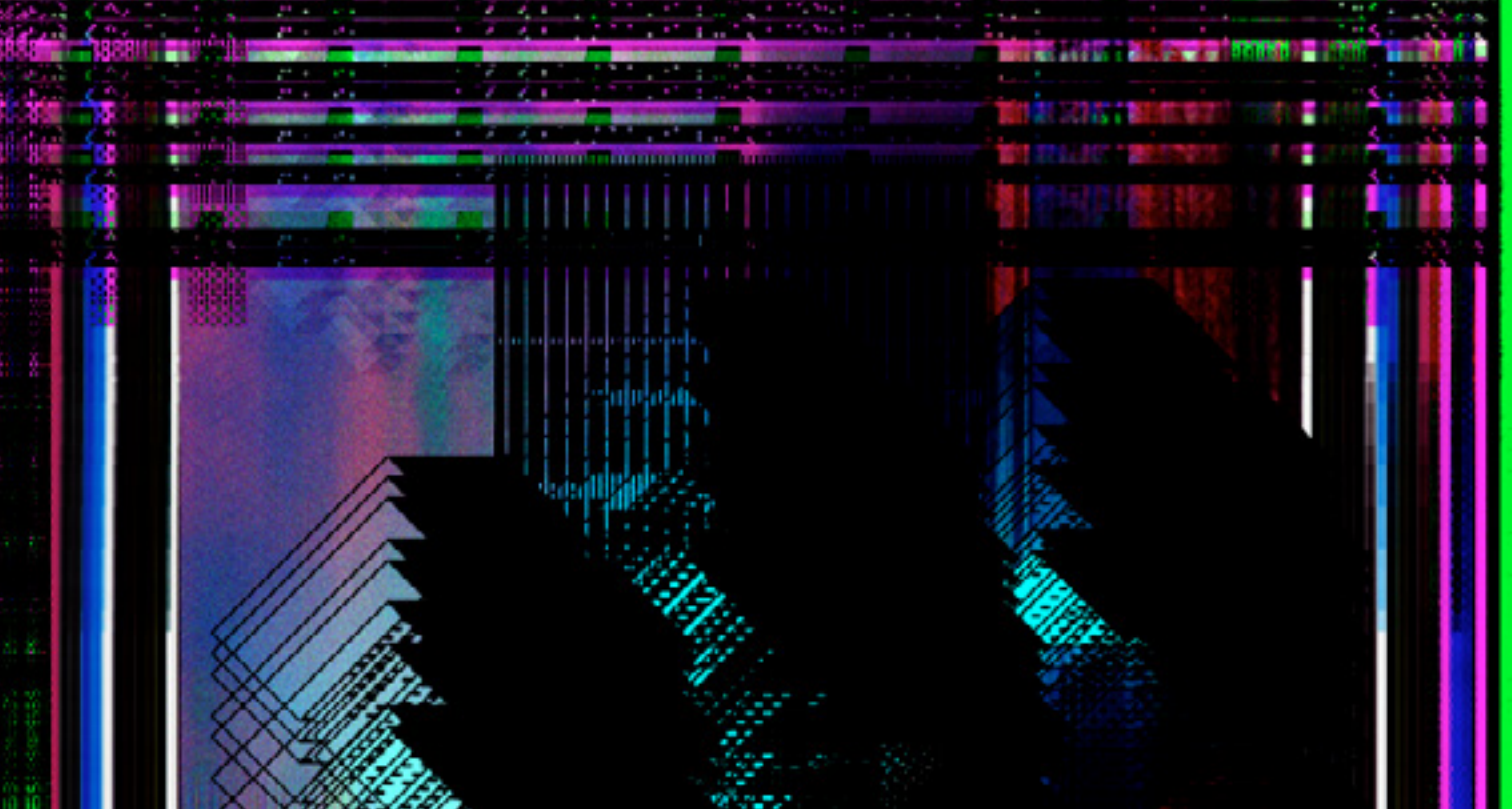
"It's a dangerous and troubling development when the platforms that serve as gateways to information intentionally skew the facts to incite their users and arm them with misinformation", and "it's very difficult to counter the misinformation when the disseminators also own the platform."

> Access to websites of several pro-SOPA organizations and companies such as RIAA, CBS.com, and others was impeded or blocked with denial of service attacks which started on January 19, 2012. Self-proclaimed members of the "hacktivist" group Anonymous claimed responsibility and stated the attacks were a protest of both SOPA and the United States Department of Justice's shutdown of Megaupload on that same day.

> Opponents of the bill have proposed the Online Protection and Enforcement of Digital Trade Act (OPEN) as an alternative. On January 20, 2012, House Judiciary Committee Chairman Smith postponed plans to draft the bill: "The committee remains committed to finding a solution to the problem of online piracy that protects American intellectual property and innovation ... The House Judiciary Committee will postpone consideration of the legislation until there is wider agreement on a solution."



CON-  
CLUSION



> The internet is a crucial medium through which people can express themselves and share ideas and has become an increasingly important tool through which democracy and human rights activists mobilize and advocate for political, social, and economic reform. Fearing the power of the new technologies, authoritarian states have devised subtle and not-so-subtle ways to filter, monitor, and otherwise obstruct or manipulate the openness of the internet. Even a number of democratic states have considered or implemented various restrictions in response to the potential legal, economic, and security challenges raised by new media. Responding to

these challenges, Freedom House conducts advocacy to protect internet freedom, and conducts an array of programs to assist human rights.

// INTERNET FREEDOM

> Internet is not something to be taken lightly, as anyone who has tried to gain access to forbidden sites in China will tell you. The countries that would like to censor Internet content, including Russia, China, Iran and others, were eager to see their authority to do so etched into a United Nations treaty debated at a conference last month in Dubai. The United States and other nations committed to a free and open Internet refused to sign

the treaty. It was a largely symbolic protest but the right thing to do.

> The World Conference on International Telecommunications brought together 193 nations to consider revisions to principles last modified in the pre-Internet days of 1988. The principles govern the largely technical work of a specialized U.N. agency, the International Telecommunications Union. Much of the conference debate turned on whether the principles should be expanded to give national governments and the agency more voice in regulating the Internet.

> Those governments that hunger for more control are not paragons of free-

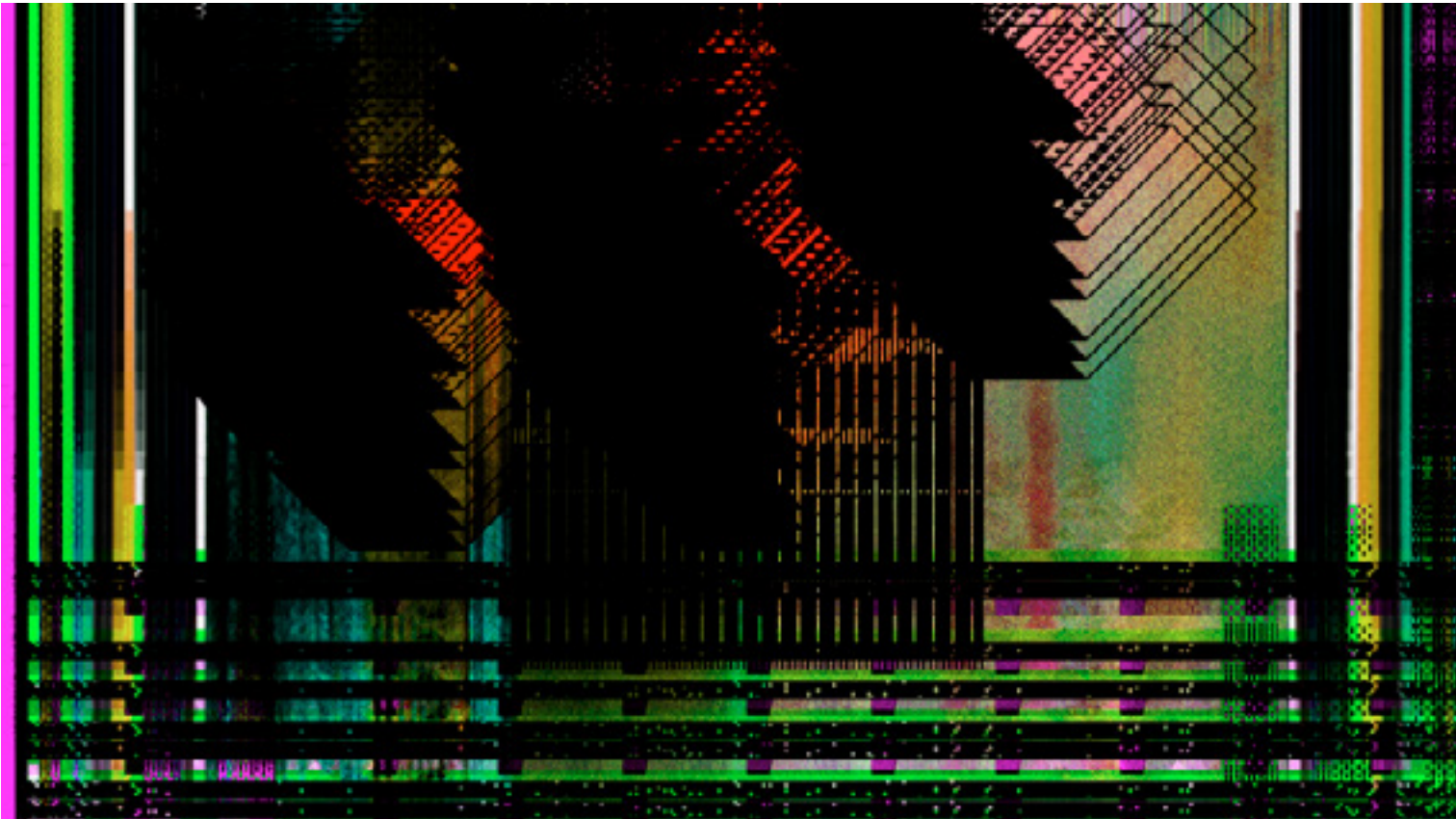
dom. China, which already maintains the world's most pervasive Internet censorship machine, tightened its controls at year's end, requiring users of social media to disclose their identities. Russia has been moving toward selective eavesdropping to tamp down dissent. The treaty debated in Dubai may not change anything they are already doing but could provide a veneer of political cover.

> The United States objected to a resolution appended to the treaty saying that "all governments should have an equal role and responsibility for international Internet governance." Translation: Let national governments get their hands on it. The

United States has maintained that Internet governance should rest, as it does now, with a loose group of organizations, including the Internet Corporation for Assigned Names and Numbers, which manages domain names and addresses under contract with the U.S. Commerce Department. There are suspicions aplenty in the rest of the world that this is the equivalent of U.S. control – suspicions that should not be ignored at all. While the Internet cannot fall into the hands of those who would censor and restrict it, the United States should put more effort into remaking the current model so that it can serve what has become a global infrastructure.

> Ambassador Terry Kramer, who headed the U.S. delegation in Dubai, was clear that a power grab by the repressive countries was a non-starter. "No single organization or government can or should attempt to control the Internet or dictate its future development," Mr. Kramer insisted.

> The conference did serve to highlight broad, opposing camps over Internet freedom. After the United States pulled out, 89 nations signed the agreement, including Russia, China, Iran, Cuba and Venezuela. The blank screen of the Internet censor is not likely to disappear soon. A long and fateful battle looms for digital freedom.





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// IMAGES


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