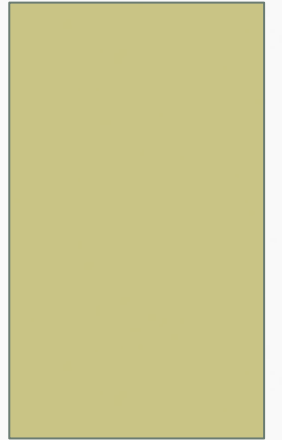
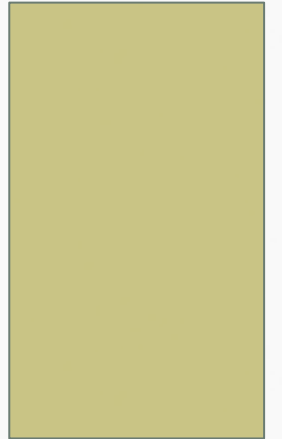


WEEK 5



FREEDOM OF EXPRESSION



FIRST AMENDMENT RIGHTS

- Right to freedom of expression
 - Important right for free people everywhere
 - Guaranteed by the First Amendment
- Definition of free speech includes
 - Nonverbal, visual, and symbolic forms of expression
 - Right to speak anonymously

FIRST AMENDMENT RIGHTS (CONTINUED)

- Not protected by the First Amendment
 - Obscene speech
 - Defamation
 - Incitement of panic
 - Incitement to crime
 - “Fighting words”
 - Sedition/Rebellion

OBSCENE SPEECH

- Speech is considered obscene when
 - Work depicts or describes sexual conduct in an offensive way
 - Lacks serious literary, artistic, political, or scientific value

DEFAMATION

- Publication of a statement of alleged fact that is
 - False
 - Harms another person
 - Harm is often of a financial nature
 - Slander
 - Oral defamatory statement
 - Libel
 - Written defamatory statement

FREEDOM OF EXPRESSION: KEY ISSUES

- Controlling access to information on the Internet
- Anonymity
- Defamation
- Hate speech
- Pornography

CONTROLLING ACCESS TO INFORMATION ON THE INTERNET

- Freedom of speech on the Internet is complicated by children's access
- Communications Decency Act (CDA)
 - Aimed at protecting children from online pornography
 - Broad language and vague definition of indecency

CONTROLLING ACCESS TO INFORMATION ON THE INTERNET (CONTINUED)

- Child Online Protection Act (COPA)
 - Applies to communication for commercial purposes
 - Imposes penalties for exposing minors to harmful material on the Web
 - Found unconstitutional in 2004
- Internet filter
 - Software installed with a Web browser
 - Blocks access to certain Web sites that contain inappropriate or offensive material

CONTROLLING ACCESS TO INFORMATION ON THE INTERNET (CONTINUED)

- URL filtering
 - Blocks URLs or domain names
- Keyword filtering
 - Blocks key words or phrases
- Dynamic content filtering
 - Web site's content is evaluated immediately before being displayed
 - Uses
 - Object analysis
 - Image recognition

CONTROLLING ACCESS TO INFORMATION ON THE INTERNET (CONTINUED)

- Popular Internet filters
 - ContentProtect
 - CYBERsitter
 - NetNanny
 - CyberPatrol
 - HateFilter

CONTROLLING ACCESS TO INFORMATION ON THE INTERNET (CONTINUED)

- ICRA rating system
 - Questionnaire for Web authors
 - Generates a content label
 - Uses Platform for Internet Content Selection (PICS)
standard
 - Users can configure browsers to read the label
to block content
 - Relies on Web authors to rate their site
 - Complement to other filtering techniques

CONTROLLING ACCESS TO INFORMATION ON THE INTERNET (CONTINUED)

- ISP blocking
 - Blocking is performed on the ISP server
 - ClearSail/Family.NET prevents access to certain Web sites

LEGAL OVERVIEW: CHILDREN'S INTERNET PROTECTION ACT (CIPA)

- Federally financed schools and libraries must block computer access to
 - Obscene material
 - Pornography
 - Anything considered harmful to minors
- Schools and libraries subject to CIPA do not receive Internet access discounts unless they certify that Internet safety measures are in place
 - Required to adopt a policy to monitor the online activities of minors

LEGAL OVERVIEW: CHILDREN'S INTERNET PROTECTION ACT (CIPA) (CONTINUED)

- CIPA does not require the tracking of
Internet use by minors or adults
- Acceptable use policy agreement is an
essential element of a successful program
in schools
 - Signed by
 - Students
 - Parents
 - Employees

LEGAL OVERVIEW: CHILDREN'S INTERNET PROTECTION ACT (CIPA) (CONTINUED)

- Difficulty implementing CIPA in libraries
because their services are open to people of
all ages
 - Including adults with First Amendment rights

ANONYMITY

- Principle of anonymous expression
 - People can state opinions without revealing their identity
 - In the wrong hands, it can be a tool to commit illegal or unethical activities
- Anonymous remailer service
 - Computer program that strips the originating address from the e-mail message
 - Forwards the message to the intended recipient
 - Ensures no header information

ANONYMITY (CONTINUED)

- John Doe lawsuit

- Identity of the defendant is temporarily unknown
- Common in Internet libel cases
- Defendant communicates using a pseudonym or anonymously
- ISPs subpoenaed to provide the identity
- By filing a lawsuit, the company gains immediate subpoena power

DEFAMATION AND HATE SPEECH

- Actions that can be prosecuted include:
 - Sending threatening private messages over the Internet to a person
 - Displaying public messages on a Web site describing intent to commit acts of hate-motivated violence
 - Libel directed at a particular person

DEFAMATION AND HATE SPEECH (CONTINUED)

- Some ISPs voluntarily agree to prohibit subscribers from sending hate messages
 - Does not violate subscribers' First Amendment rights
 - ISPs must monitor the use of their service
 - Take action when terms are violated

PORNOGRAPHY

- The Internet has been a boon to the pornography industry
 - More than 60,000 Web sex sites are accessible
 - The sites generate at least \$1 billion a year in revenue
- CAN-SPAM Act
 - Deterrent in fighting the dissemination of pornography

PORNOGRAPHY (CONTINUED)

- Reasonable steps to stop access in the workplace
 - Establishing a computer usage policy
 - Prohibiting access to pornography sites
 - Identifying those who violate the policy
 - Taking action against those users
- Numerous federal laws address child pornography
 - Federal offense

THANK YOU!