

# Freedom of Speech in Cyberspace

- A. Changing Communications Paradigms
  - **Regulatory Paradigms:**
    - o Communication technologies divided into three categories with respect to the degree of First Amendment protection and government regulation.
  - **Print Media:** Newspapers, books, magazines, pamphlets, journals
    - o Although books have been banned in the USA and people were arrested for publishing information on certain topics such as contraception etc.

# Freedom of Speech in Cyberspace

- **Broadcast Media:** Television, Radio
  - o Television and radio are similar to newspapers in their role of providing news and entertainment
  - o But both the structure of broadcasting and the content have been highly regulated
  - o Cigarettes/Wines ads are legal in magazines, but they are banned from radio, television and all electronic media under the control of the Federal Communications Commission.



# Freedom of Speech in Cyberspace

- o Some words may appear in print but must not be said on the radio and television.
- o The federal government frequently proposes requirements:
  - o to reduce violence on television or
  - o to increase programs for children
- o But the government cannot impose such requirements on print publisher
- o The government has more control over television and radio contents than print Medias



# Freedom of Speech in Cyberspace

- **Common Carrier:** Telephone, Telegraph, Cell phone, Email, and the Postal system
- Content not controlled and the carrier is not responsible for content.



# **Freedom of Speech in Cyberspace**

- **Offensive Speech and Censorship in Cyberspace**
- **What is offensive speech?**
- **What should be prohibited or restricted by law in cyberspace?**
- **It could be:**
  - 1. Political speech**
  - 2. Religious speech**
  - 3. Pornography**
  - 4. Sexual**



# Freedom of Speech in Cyberspace

## 5. Racial slur (10000 racial slurs are tweeted each day)

**Jan 18, 2014 - Madonna sent out an apology on Saturday after sparking off a furor by using a *racial slur* in the caption of an Instagram photo of her son.**

***Instagram is a fast, beautiful and fun way to share your life with friends and family***

# Freedom of Speech in Cyberspace

## **6. Nazi materials:**

- ***After the Nazis rose to power in Germany in 1933, relations between Germany and the Soviet Union began to deteriorate rapidly, and trade between the two countries decreased. Following several years of high tension and rivalry.***
- ***Nazi Germany and the Soviet Union began to improve relations in 1939.***
- ***In August of that year, the countries expanded their economic relationship by entering into a commercial agreement whereby the Soviet Union sent critical raw materials to Germany in exchange for weapons, military technology and civilian machinery.***



# **Freedom of Speech in Cyberspace**

- 7. Libelous statements**
- 8. Abortion information**
- 9. Anti-abortion information**
- 10. Advertising of alcoholic beverages**
- 11. Advertising in general**
- 12. Depictions of violence**
- 13. Information about how to build bombs**

There are vehement campaigners for banning each of these.





# Freedom of Speech in Cyberspace

- There are vehement campaigners for banning each of these.
- Most of the efforts to censor the Internet focus on pornographic or sexual explicit materials
- Pornography online is a multibillion business with sites worldwide
- Pornography is common in cyberspace, especially on the Internet
- The same kinds of materials are available in adult magazines, bookstores and movie theaters.



# Freedom of Speech in Cyberspace

- The printing press produces porn
- Pornography produces playboy
- Many of the first video cassettes were pornographic
- o **Whether all these:**
  - good or bad
  - a natural part of human nature
  - a sign of degeneracy or evil
  - should be tolerated or stamped out
  - moral or political issues



# Freedom of Speech in Cyberspace

- Anyone can sit in a **library/bookstore** and read about **porn/sex/bombs**, make photocopies of pages and send by mail without a return address.
- Inappropriate material can be easier for children to get on the Web
- Problematic material spreads more easily and anonymously



# Freedom of Speech in Cyberspace

- Material Inappropriate for Children
  - There is material on the Web that most of the people would consider inappropriate for the children
  - Many parents do not want their children:
    - to view hate material
    - to sites promoting racism, anti-Semitism (also spelled *anti-semitism* or *anti-Semitism* is prejudice, hatred of, or discrimination against Jews for reasons connected to their Jewish heritage) and sexism



# Freedom of Speech in Cyberspace

- Some parents do not want their children:
- to see violence on the Web in stories, images, games and video
- The worst (bad/most horrible/most terrible/most evil) of the material is illegal in any medium.



# Freedom of Speech in Cyberspace

## o How the Technology Changes the Context

- If a young child tried
- to buy a ticket for an X-rated movie or
- to buy an adult magazine
- a cashier would see the child and refuse **(at least/most of the time)**
- On the Web, a child can access pornography without an adult observer



# Freedom of Speech in Cyberspace

- The Web site operator or e-mailer supplying the material does not see that the customer is a child.
- In the early days of the Web,
  - One had to know how to find pornography and
  - Invoke software to view it
  - Young child were not likely to come upon pornography by accident
  - **Search Engines and Web Browser Programs have changed entire scenarios**

# Freedom of Speech in Cyberspace

- Porn arrives in e-mail
- Porn sites turn up in lists found by search engines for many innocent topics
- A click displays images and video
- Schools and libraries are relatively saved from
  - -pornography and
  - -violent or hateful materials





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- Protecting Children
- The first attempt to protect children from sexually explicit material on the net came in the form of *federal censorship laws*
- The first few major laws were rejected by
  - -the Supreme Court
  - -other federal courts
- as unconstitutional restrictions on freedom of speech but the final status of some is still undetermined



# Freedom of Speech in Cyberspace

- -Child pornography is illegal, and it is illegal to lure children into sexual acts.
- -Federal agents regularly conduct raids and make many arrests for these crimes where suspects use e-mail and chat rooms



# Freedom of Speech in Cyberspace

- *Federal agents:*
- --use surveillance
- --court orders to read email (as required by Electronic Communications Privacy Act)
- --search warrants
- --sting operations
- --undercover investigations
- to build their cases and make the arrests



# Freedom of Speech in Cyberspace

- There are a variety of solutions based on
  - -Market
  - -Technology
  - -Responsibility
  - -Education
  - -Enforcement of existing laws
  - -Commercial services cooperate with investigations of child pornography



# Freedom of Speech in Cyberspace

- For example:
- --America Online (AOL) warns that when subscribers notify the company of illegal activity, AOL reports to the FBI (Federal Bureau Investigation) and compiles with subpoenas.
- --AOL expelled subscribers who e-mailed child pornography to others



# Freedom of Speech in Cyberspace

- -Its customer agreement gives it the right to remove anything it considers offensive
- -In response to market demand, companies offer online services and Web sites targeted to families and children
- -Company allows subscriber to lock children out of certain areas



# Freedom of Speech in Cyberspace

- AOL lets parents set up accounts for their children:
  - without e-mail or
  - with a specified list of addresses from which e-mail will be accepted
- Many online services distribute information with tips:
  - How to control what children can view