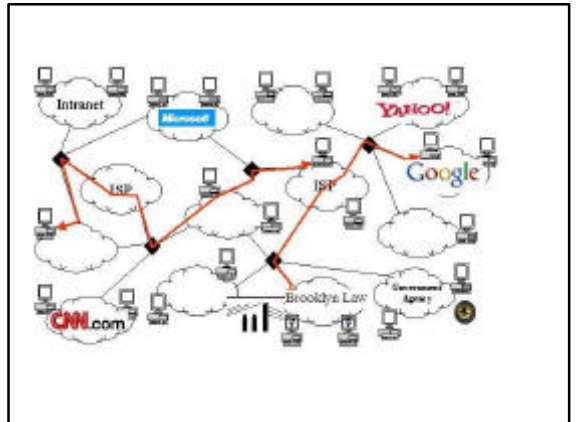
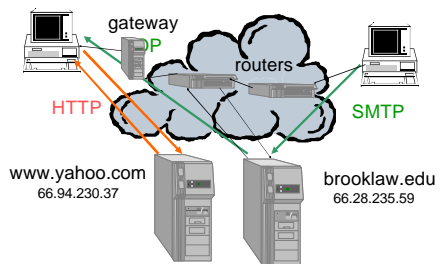


Online Speech And How to Stop It

August 31, 2006



Protocols, Numbers, Names: Layers of communication (and means of attack)



Protocols

- Protocols: technical standards for communication and interoperation
 - TCP/IP: Transmission Control Protocol, Internet Protocol
 - HTTP (web): Hypertext transfer protocol
 - SMTP and POP (email): Simple Mail Transfer Protocol, Post Office Protocol

Numbers

- Numbers: “IP addresses”
 - IP addresses or “dotted quads” identify computers uniquely to enable packets to find their destinations
 - Gateways (from local network to Internet) and Routers direct the flow
 - IPs are assigned in blocks to providers, who assign smaller blocks or individual addresses

Names

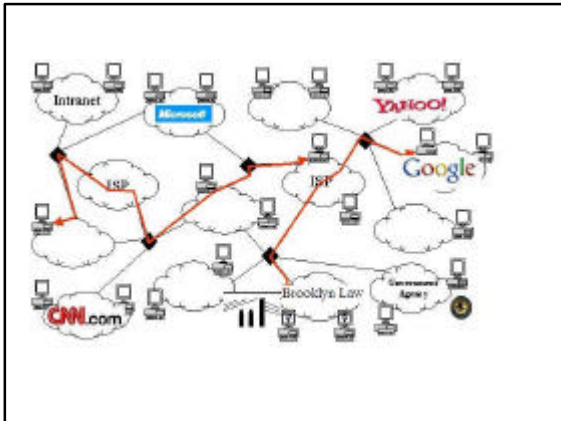
- Names: attached by the Domain Name System (DNS) to IP addresses
 - Architecture abstraction (www.yahoo.com is multiple machines, if the numbers change, you can still find www.yahoo.com)
 - Mnemonics

DNS

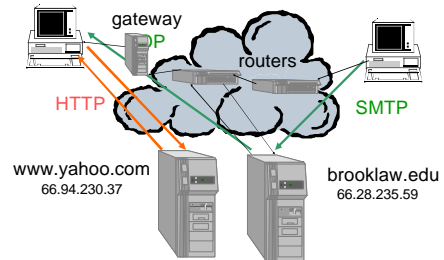
- Technical hierarchy:
 - root server (.)
 - Top-level domain (.com, .net, .edu, .uk, .ca)
 - Second-level domain (.yahoo.com, .brooklaw.edu, .ac.uk)
 - Higher-level domains (www.yahoo.com, ox.ac.uk)
- Server asking for an address starts from the right and works backward

DNS

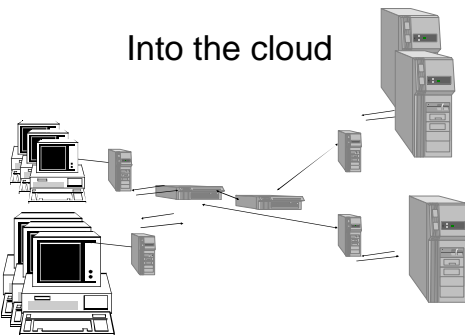
- Administrative hierarchy
 - Registrar: collects the data and money (register.com, gandi.net, networksolutions.com, etc. hundreds of accredited registrars)
 - Registry: keeps the database and more money (Verisign, Afilias, Neulevel, PIR)
 - Root Servers: canonical list of TLD nameservers (A – M.root-servers.net)



Into the cloud



Into the cloud



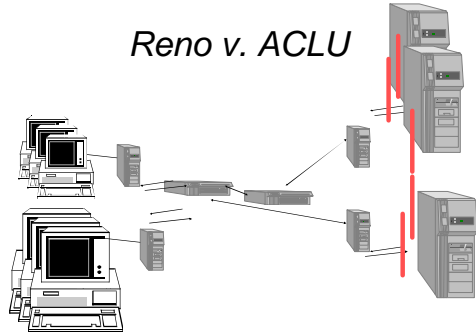
John Gilmore

- "The Internet interprets censorship as damage and routes around it."

Reno v. ACLU

- Communications Decency Act of 1996 (CDA), 47 U.S.C. § 223 prohibited
 - sending of “obscene or indecent” communications to minors or
 - display of “patently offensive messages” to minors

Reno v. ACLU



Reno v. ACLU

- Is the Internet a
 - Magazine shop? (*Ginsberg*)
 - Radio broadcast? (*Pacifica*)
 - Neighborhood? (*Renton*)
 - Dial-a-porn? (*Sable*)

Reno v. ACLU

“Through the use of chat rooms, any person with a phone line can become a town crier with a voice that resonates farther than it could from any soapbox. Through the use of Web pages, mail exploders, and newsgroups, the same individual can become a pamphleteer.”

Reno v. ACLU

- Majority:
 - Silencing speakers if they can’t assure no kids are listening is not the least restrictive means of protecting children
- O’Connor Concurrence/Dissent:
 - Yes, but...
 - We could require speakers to tag their “harmful” speech so kids (parents) could filter it out.

CIPA

IN GENERAL—No funds made available under this Act for a library ... may be used to purchase computers used to access the Internet, or to pay for direct costs associated with accessing the Internet, for such library unless—

- (A) such library—
 - (i) has in place a policy of Internet safety for minors that includes the operation of a technology protection measure with respect to any of its computers with Internet access that protects against access through such computers to visual depictions that are—
 - (I) obscene;
 - (II) child pornography; or
 - (III) harmful to minors; and
 - (ii) is enforcing the operation of such technology protection measure during any use of such computers by minors; and
- (B) such library—
 - (i) has in place a policy of Internet safety that includes the operation of a technology protection measure with respect to any of its computers with Internet access that protects against access through such computers to visual depictions that are—
 - (I) obscene; or
 - (II) child pornography; and
 - (ii) is enforcing the operation of such technology protection measure during any use of such computers.

CIPA

TECHNOLOGY PROTECTION MEASURE.--

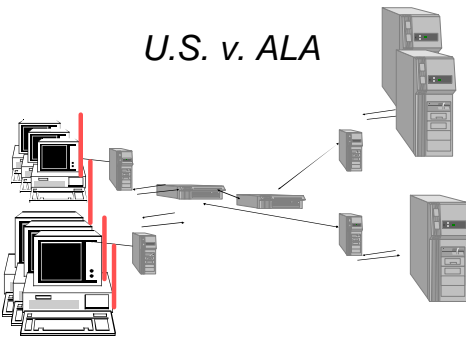
The term ``technology protection measure'' means a specific technology that blocks or filters Internet access to visual depictions that are--

- (A) obscene, as that term is defined in section 1460 of title 18, United States Code;
- (B) child pornography, as that term is defined in section 2256 of title 18, United States Code; or
- (C) harmful to minors.

HARMFUL TO MINORS.--The term ``harmful to minors'' means any picture, image, graphic image file, or other visual depiction that--

- (A) taken as a whole and with respect to minors, appeals to a prurient interest in nudity, sex, or excretion;
- (B) depicts, describes, or represents, in a patently offensive way with respect to what is suitable for minors, an actual or simulated sexual act or sexual contact, actual or simulated normal or perverted sexual acts, or a lewd exhibition of the genitals; and
- (C) taken as a whole, lacks serious literary, artistic, political, or scientific value as to minors.

U.S. v. ALA



U.S. v. ALA

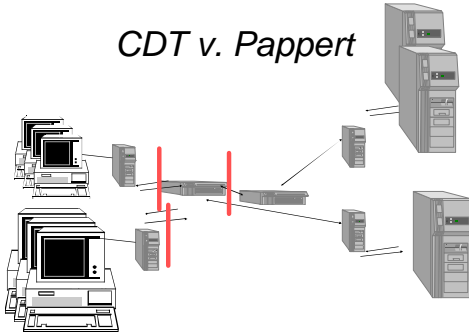
- Is the Internet (in libraries) a public forum?
- Does everyone have the right to speak on the Internet?
- Does everyone have the right to speak in a library?



Pennsylvania Internet Child Pornography Act

- ISP must remove or disable access to child pornography "residing on or accessible through its service" after notification by Penn. Attorney General.

CDT v. Pappert



Compare the regulations

- Who is regulated?
- Effectiveness: does the regulation stop “harmful” speech?
- Narrow tailoring: does it stop too much?
- Administrability, Enforceability: can it be enforced efficiently?
- Transparency: do those regulated know to whom to protest?

