



Disclaimer!



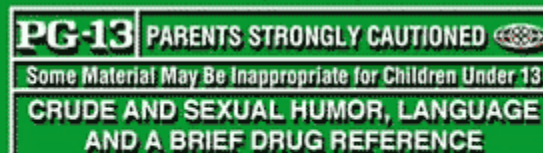
Traditionally:



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PORIN

Access to Information: Youth and Pornography

Matthew Fisher
Christina Vasquez
Nicholas Strzelczyk
Ashley Bender

Topics

- ◉ Controversies that led up to the act
- ◉ Social and psychological issues and effects of Internet pornography
- ◉ The Act itself (CDA, not what you're thinking about...)
- ◉ Life and law after CDA

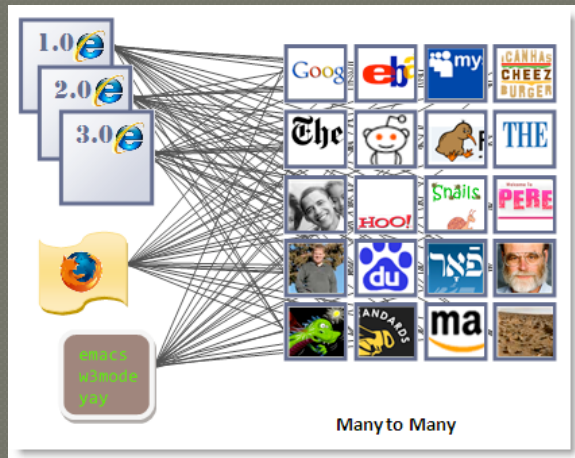
Controversies
that led up to
the act

The Internet → The Abundance of Porn...

- Fast
- Seemingly limitless
- Widespread
- Cheap
- Anonymous
- P2P interactions
- Multimedia



Technologies Allowing the Sharing of Inappropriate Material



- Web sites
- Email
- Instant Messaging
- Usenet (a bulletin board system, precursor to the internet forum)
- Peer to Peer (P2P) sharing (examples: bittorrent, kazaa)
- Mobile Devices



New technologies =
Inappropriate material pushed
onto children through the
internet

Adult Traffic Marketing Techniques

- Email
- Prominent ads on search engines (Google ads)
- Domain names based on common misspellings of non-sexual Web site addresses
- Using expired domain names that had many visitors
- Advertising/Exit traffic from other sites
- Mailing list subscription
- Print media/TV/radio advertising
- Advertise with cooperating partners



The Adult Entertainment Industry

- Generated \$3.5 billion in 2000
- Generated \$5 billion in 2001
- \$14.7 Billion in revenues annually
- 400,000 pay to access sites
- 10,000 firms in the adult entertainment industry
- 20 to 30% of traffic is children (under the age of 18)



Social and psychological issues



Problems with studying the influence of pornography

- Analyses rely on statistics or case studies
- Statistics are easily misrepresented and do not imply causation
- Children are difficult to get accurate information from
- Cultural prejudices guide certain types of research
- Lack of empirical definitions for pornography

Examples of statistical data

Sexual violence in Playboy and Penthouse magazines

- One study showed an increase from 1% to 5% throughout the 1970's
- Another showed that pictures and cartoons were extremely rare and decreasing over 30 years

X-rated videos

- One study – 51% of all videos depict rape of women
- Another showed far less and decreasing amounts
- Women perpetrators of violence in 65%, 49% and 42% in magazines, internet, and video, respectively

Social science definitions

Erotica, degrading pornography, violent pornography

- Problematic -
 - Individual interpretations of depictions by researchers, with large statistical variations
 - Unknown spontaneous perception of content
 - Inability to distinguish antecedents and consequences

“Industry of Misogyny”

- Label pushed by anti-porn feminists, religious institution of monogamy
- Does not take into account gay porn, solo porn, women-produced porn, etc.
- Does not distinguish effects of different types of pornography
- Attempts to further the belief that the porn industry is run by organized crime rings

"It's a far different criticism to note that porn is sexist. So are all commercial media. That's like tasting several glasses of salt water and insisting only one of them is salty. The [only] difference with porn is that it is people making love, and we live in a world that cannot tolerate that image."

-Susie Bright, *Sexwise*

Social attitudes/personality traits

- Bogaert 1993
 - No evidence of correlation between sexual and social attitudes and preference for violent pornographic videos
- Barak 1999
 - No association of men's social desirability, sensation seeking, attitudes toward women, rape myth acceptance, hypermasculinity, erotophobia/philia with pornography use
- Men with egalitarian attitudes toward women are most likely to seek explicit sexual materials

Studies on consequences

- Exposure to pornography does not alter perceptions
- Men exhibiting hostile masculinity, promiscuity and high pornography use reported history of sexual aggression toward women
- Enforced exposure studies do not accurately simulate porn-watching habits and synergistic effects of antecedents

1986 Study

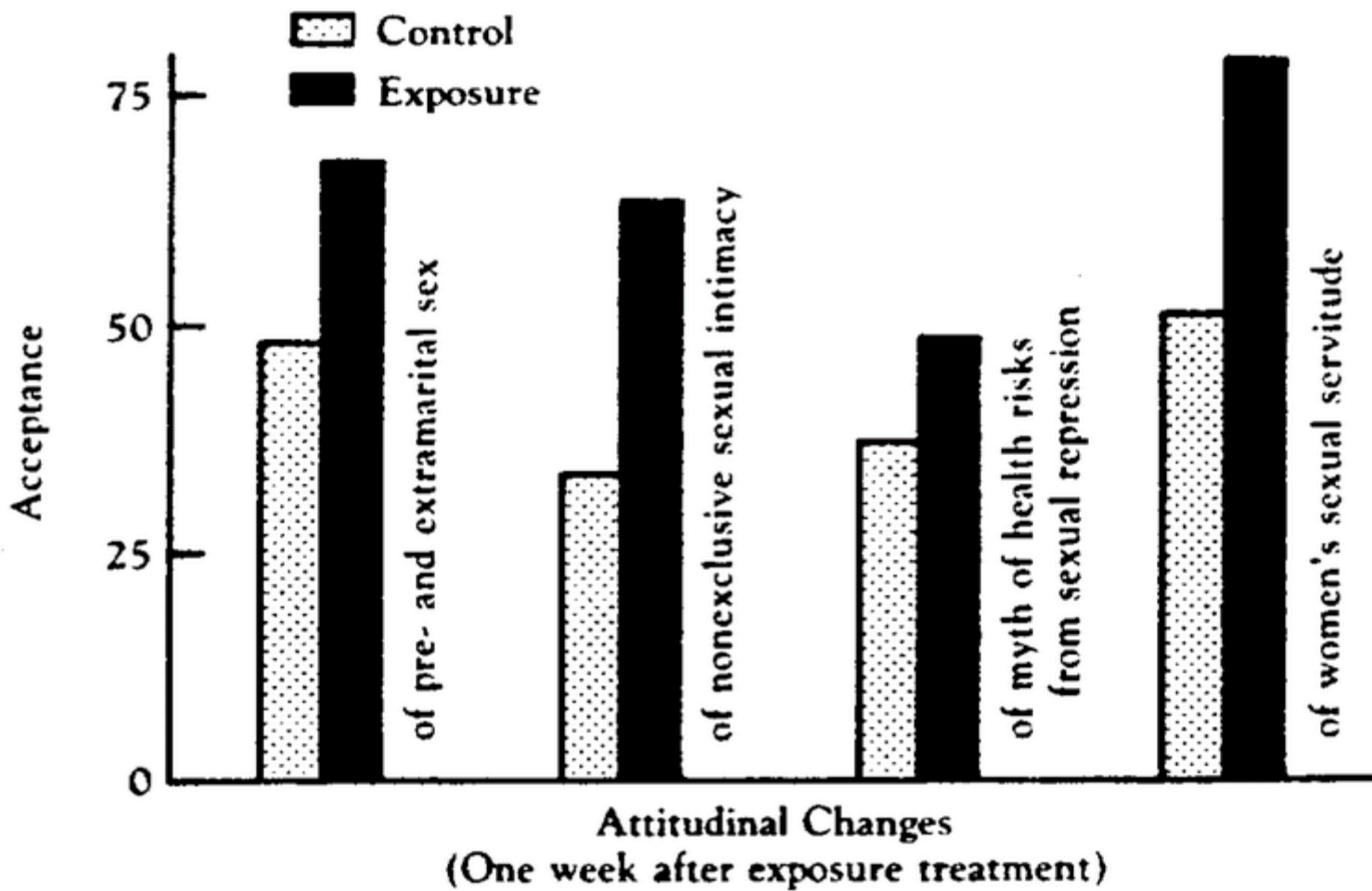
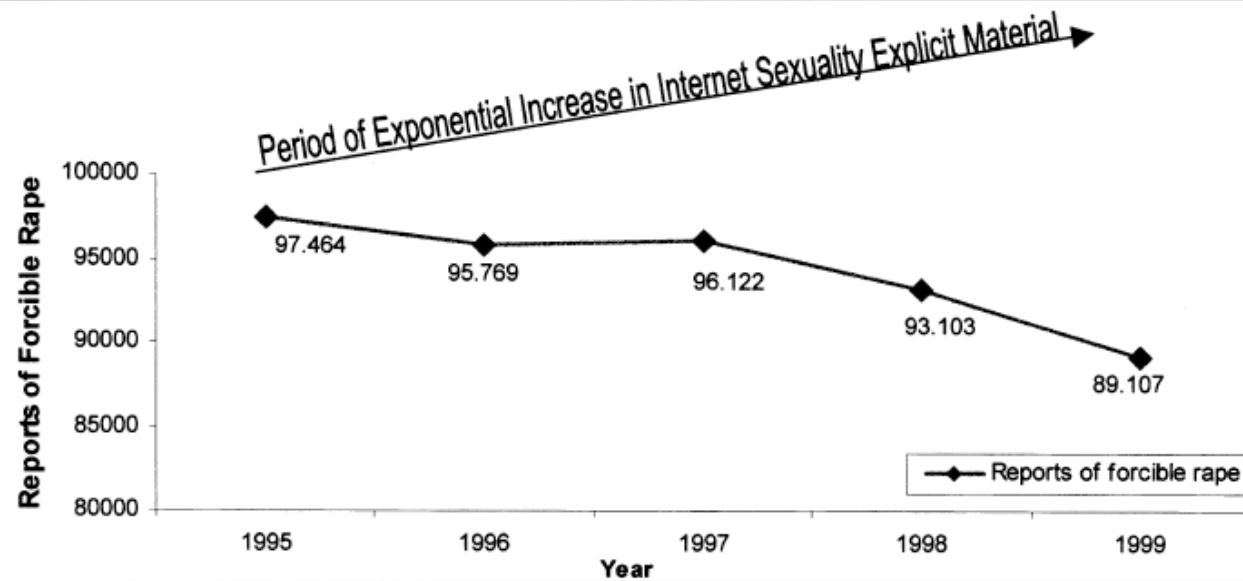


Fig. 8

Inconvenient truths for censorship advocates

- "There have been drops in crime, drops in teen pregnancy, increases in the number of kids who say they're virgins, declines in various kinds of victimization and less running away. You have to hold that image on one hand as you're confronting all of the things that are happening online." - sociologist David Finkelhor, PhD, director of the University of New Hampshire's (UNH) Crimes Against Children Research Center

Figure 1. Reported cases of forcible rape (U.S. Federal Bureau of Investigation, 2001) during a period of exponential growth in availability and use of Internet sexually explicit material.



Cultural conflicts

- Hypersexualized media mixed with conservative social expectations
- 1st Amendment free speech vs. “family values”
 - Parental vs. governmental regulation
- Abstinence-only vs. comprehensive sex ed
- Church/State conflicts
- Variety of professional opinion

“We have to tailor the messages to reflect our understanding that for many people, sex is not a bad thing or a thing that is ridden with guilt, but as a more positive and less negative experience, for some of these young people, than other things in their lives.” - Lydia A. Shrier

The Act

Communications Decency Act of 1996



“The Exon-Coats
Communication Decency Act
stands for the simple
premise that it is wrong to
provide pornography to
children just as it is wrong to
do it on a street corner or
anywhere else.”

-Senator Jim Exon (D-
Nebraska)

Reno v. ACLU (June, 1996)

- Violated free speech
- Vague term “indecenty”
- Too narrow
- Unnecessary control
- Already Present Safeguards

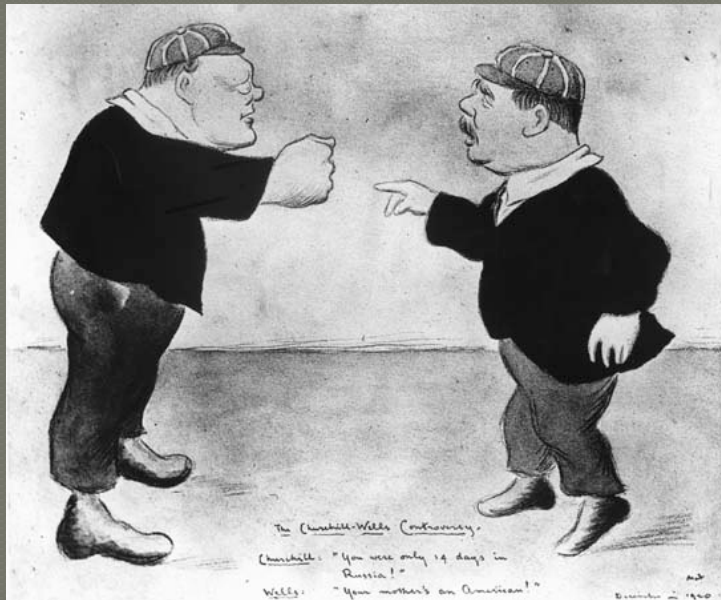
“Plaintiffs have established a reasonable probability of eventual success in the litigation by demonstrating that §§ 223(a)(1) (B) and 223(a)(2) of the CDA [HN5] are unconstitutional on their face to the extent that they reach indecency. Sections 223(d)(1) and 223(d)(2) of the CDA are unconstitutional on their face. Accordingly, plaintiffs have shown irreparable injury, no party has any interest in the enforcement of an unconstitutional law, and therefore the public interest will be served by granting the preliminary injunction. The motions for preliminary injunction will therefore be granted.”

- District Judges Sloviter, Buckwalter, and Dalzell

Controversy surrounding the Reno decision

Supportive of Reno v. ACLU

- Media/ Media Law
- Cyberspace users



Against Reno v. ACLU decision

- Parents and other constituents
- Some Senators and Representatives (Representative Frank Fitzgerald, Senator Dan Coats)
- Radio and television

Life and law after the CDA

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\$39.95
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Surfing Among the Cyber Sharks
Surfing Among the Cyber Sharks is a fact book that helps parents understand and deal with the hidden dangers of the Internet.

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Internet filtering solutions for parents, schools, businesses and libraries

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Internet filtering and parental control software program, gives you the ability to control and monitor your child's use of the Internet, irrespective of where you are, in the neighborhood, at work, or even on vacation, thus enabling you to protect your child from the dangers of the Internet.

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A parental control software program. Chromager gives you complete control over your child's use of the computer, when he or she can use it for entertainment, and when for doing homework. It enables you to restrict the times when the computer can be used, and to set the times that your child may surf the Internet, play games, use particular programs, and watch movies.

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InternetSafety.com

HOME PRODUCTS RESOURCES SUPPORT TELL A FRIEND DOWNLOAD LIBRARY BLOG

safeeyes

Highly recommend Safe Eyes for every home in America. It's what the Ramseys use."

Block objectionable content
Monitor social networking
Block YouTube content

AWARD WINNING

RESOURCES safeeyes othershield

SafeEyes

Clean Internet

Internet Filter Sign Up Now!

High Speed Internet Filtering
Single PC \$4.95
Multiple PC's \$2.95

Filtered Everywhere
Take Your Laptop with Confidence, Knowing the Filter Works with Every Connection and Can NOT Be Disabled

Christian Internet Filters

- Ease of Use** - The most important attribute Internet filters can offer is an easy-to-use design, making it possible for people with all levels of computer experience to easily install and use the filter to its fullest capability.
- High Speed Service** - Not much is more frustrating than a slow internet connection. Nobody wants to be brought to a crawl while online; and Clean Internet will NOT slow down your connection, at all.
- Effective at Filtering** - For any type of internet filter to be effective it must allow the good and block the bad. Clean Internet does just that by blocking objectionable material and not filtering valuable content.
- Securely Installed** - If a filter can be uninstalled easily, it will be. Clean Internet can not be bypassed by the end user or uninstalled without a call to technical support.
- Filtering Algorithms** - Clean Internet uses a combination of internet filtering techniques, including URL filtering, keyword filtering and dynamic filtering.
- Client-Server Based** - Clean Internet offers a flexible platform which allows users to decide whether their optimal filtering solution is client (home computer) based, server (office network) based or a combination of both.
- Foreign Language Filtering** - Clean Internet is effective at filtering keywords in multiple languages. One of the tricks that many teenagers have discovered to bypass internet filters is to type in the foreign language equivalent of certain keywords.
- Port Filtering and Blocking** - Block or filter all major internet protocols, including instant messengers, chat rooms, email, file sharing networks, bulletin boards and popup windows.
- Activity Reporting** - Reports available on which web sites were visited and which were blocked.

Clean Internet

§ 230 of CDA

of an interactive computer service shall be treated as the publisher or speaker of any information provided by another information content provider.

`(2) CIVIL LIABILITY- No provider or user of an interactive computer service shall be held liable on account of--

`(A) any action voluntarily taken in good faith to restrict access to or availability of material that the provider or user considers to be obscene, lewd, lascivious, filthy, excessively violent, harassing, or otherwise objectionable, whether or not such material is constitutionally protected; or

`(B) any action taken to enable or make available to information content providers or others the technical means to restrict access to material described in paragraph (1).

`(d) EFFECT ON OTHER LAWS-

`(1) NO EFFECT ON CRIMINAL LAW- Nothing in this section shall be construed to impair the enforcement of section 223 of this

from CDA's literature: <http://www.fcc.gov/Reports/tcom1996.txt>

Court Cases

- *Gentry v. eBay, Inc.*, 99 Cal. App. 4th 816, 830 (2002).^[10]
 - eBay's immunity was **upheld** for claims based on forged autograph sports items purchased on the auction site.
- *Goddard v. Google, Inc.*, C 08-2738 JF (PVT), 2008 WL 5245490, 2008 U.S. Dist. LEXIS 101890 (N.D. Cal. Dec. 17, 2008).
 - Immunity **upheld** against claims of fraud and money laundering. Google was not responsible for misleading advertising created by third parties who bought space on Google's pages. The court found the creative pleading of money laundering did not cause the case to fall into the crime exception to Section 230 immunity.
- *Doe v. America Online*, 783 So. 2d 1010, 1013-1017 (Fl. 2001), cert. denied, 122 S.Ct. 208 (2000)
 - The court **upheld** immunity against state claims of negligence based on "chat room marketing" of obscene photographs of minor by a third party.
- *Doe v. MySpace*, 528 F.3d 413 (5th Cir. 2008) ^[15]
 - The court **upheld** immunity for a social networking site from negligence and gross negligence liability for failing to institute safety measures to protect minors and failure to institute policies relating to age verification. The Does' daughter had lied about her age and communicated over MySpace with a man who later sexually assaulted her. In the court's view, the Does' allegations, were "merely another way of claiming that MySpace was liable for publishing the communications."



http://en.wikipedia.org/wiki/File:John_Seigenthaler_Sr._speaking.jpg

Wikipedia Scandal

“John Seigenthaler Sr. was the assistant to Attorney General Robert Kennedy in the early 1960s. For a short time, he was thought to have been directly involved in the Kennedy assassinations of both John, and his brother, Bobby. Nothing was ever proven.

John Seigenthaler moved to the Soviet Union in 1972, and returned to the United States in 1984.

He started one of the country's largest public relations firms shortly thereafter.”

-Wikipedia (http://en.wikipedia.org/wiki/Wikipedia_biography_controversy)

Controversy

December 5, 2005 - Appeared on CNN and criticizes Wikipedia and congress for passing §230

“When I explained that it was speech protected by section 230 of the CDA and that these defamers were hiding behind veils of anonymity and virtually untraceable IP numbers there was astonishment.”

-John Seigenthaler, April 13, 2007

The “Craigslist Killer”

Craigslist murder suspect held without bail

Gun allegedly found at medical student's home; robbery motive suspected



AP

This picture from a video surveillance camera shows a man that authorities say may be the so-called "Craigslist killer."

Video



Launch

[Craigslist murder suspect held without bail](#)

April 22: Philip Markoff, the man accused of targeting women who advertised services on Craigslist, is being held without bail on charges that include murder, armed robbery and kidnapping. NBC's Jeff

- 22 year old Boston med student
- Arranged meeting with a masseuse, robbed, beat, and killed her
- Suffolk County District Attorney Daniel Conley said authorities searching Markoff's home in Quincy found a semiautomatic weapon, restraints and duct tape — evidence he called "critical, powerful."

<http://www.msnbc.msn.com/id/30314735/>

Craigslist Controversy

craigslist san francisco bay area sf sfj ebj pen noj

usa alabama alaska arizona arkansas california o canada alberta brit columbia manitoba n brunswick newf & lab oountries argentina australia austria bangladesh belgium

post to classifieds
my account
help, faq, abuse, legal
search craigslist
for sale
event calendar
avoid scams & fraud
craigslist factsheet
best-of-craigslist
job boards compared
weather quake tide
lawsuit dismissed
craigslist movie & dvd
craigslist T-shirts
craigslist foundation
progressive directory
defend net neutrality
system status

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groups rideshare
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housing wanted
housing swap
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real estate for sale

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arch / engineering
art / media / design
biotech / science
business / mgmt
customer service
education
food / bev / hosp
general labor
government
human resources
internet engineers
legal / paralegal
manufacturing
marketing / pr / ad
medical / health
nonprofit sector
real estate
retail / wholesale
sales / biz dev
salon / spa / fitness
security
skilled trade / craft
software / qa / dba
systems / network
technical support
transport
tv / film / video
web / info design
writing / editing
[ETC] [part time]

personals
strictly platonic
women seek women
women seeking men
men seeking women
men seeking men
misc romance
casual encounters
missed connections
rants and raves

for sale
barter arts+crafts
bikes auto parts
boats baby+kids
books cars+trucks
business cds/dvd/vhs
computer clothes+acc
free collectibles
furniture electronics
general farm+garden
jewelry games+toys
material garage sale
rvs household
sporting motorcycles
tickets music instr
tools photo+video
wanted

services
beauty automotive
computer household
creative labor/move
erotic skill'd trade
event real estate
financial sm biz ads
legal therapeutic

gigs
computer event
creative labor

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celebs jokes rofo
comp kink science
crafts l.t.r. shop
diet legal spirit
divorce linux sports
dying loc pol tv.
eco m4m tax
educ money testing
etiquet motocy transg
feedbk music travel
film npo vegan
fitness open w4w
fixit outdoor wed
food over 50 wine
frugal p.o.c. women
gaming parent words
garden pefo writers

barter baby+kids
bikes beauty+hth
boats cars+trucks
books cds/dvd/vhs
business cell phones
computer clothes+acc
free collectibles
furniture electronics
general farm+garden
jewelry garage sale
materials household
rvs motorcycles
sporting music instr
tickets photo+video
tools toys+games
wanted video gaming

services
beauty automotive
computer farm+garden
creative household
event labor/move
financial skill'd trade
legal real estate
lessons sm biz ads
pet therapeutic
adult travel/vac
write/ed/tr8

internet engineers
legal / paralegal
manufacturing
marketing / pr / ad
medical / health
nonprofit sector
real estate
retail / wholesale
sales / biz dev
salon / spa / fitness
security
skilled trade / craft
software / qa / dba
systems / network
technical support
transport
tv / film / video
web / info design
writing / editing
[ETC] [part time]

gigs
computer event
creative labor
crew writing
domestic talent
adult

resumes

The Religious Right?

THE RELIGIOUS RIGHT AND INTERNET CENSORSHIP

by Jonathan Wallace jw@bway.net

This article first appeared in the May issue of Freedom Writer, a publication of the Institute for First Amendment Studies.

A trial taking place in Philadelphia now will determine the constitutionality of the Communications Decency Act (CDA), a federal law passed last fall which criminalizes the online "depiction or description" of sexual acts and organs. By its terms, the CDA permits regulation of electronic text far beyond what is permissible for books and magazines under the First Amendment. In the back of the courtroom, representatives of the religious right, such as ex-prosecutor Bruce Taylor of the National Law Center for Children and Families, are monitoring each day of the trial with intent interest.

Why are they there? Not only is the CDA an extension of the religious right's campaign to dictate moral standards in traditional media; the CDA itself is a creature of the religious right, which had a significant hand in sculpting it, lining up politicians to support it, and then supplying them with the ammunition they needed to get it passed.

Soon after the Republicans released their Contract with America, the Christian Coalition responded with its Contract with the American Family; item 10 called for strict regulation of the Internet to protect minors against sexual material. Bruce Taylor responded to the Christian Coalition's call. Taylor prosecuted more than sixty obscenity cases during his tenure with the Department of Justice, before leaving to become Executive Director of the National Law Center for Children and Families. Working behind the scenes advising Nebraska Senator James J. Exon, a conservative Democrat who had made the issue of Internet indecency his own, Taylor helped draft the CDA, first introduced by Exon during 1994. The bill expired that year but succeeded in becoming law in 1995, after the election of a Republican majority with ties to the religious right.

On June 12, 1995, the Senate initiated debate on the CDA with a prayer by the Senate chaplain, Dr. Lloyd John Ogilvie: "Almighty God, Lord of all life, we praise You for the advancements in computerized communications that we enjoy in our time. Sadly, however, there are those who are littering this information superhighway with obscene, indecent, and destructive pornography." Senator Patrick Leahy of Vermont, foremost adversary of the CDA, later commented that the Chaplain should "allow us to debate these issues and determine how they come out and maybe pray for our guidance, but allow us to debate them. He may find that he has enough other duties, such as composing a prayer each morning for us, to keep him busy."

The entire Senate debate, spearheaded by Senator Exon and Republicans Dan Coats and Charles Grassley, was informed by the sensibilities of the religious right. The Senators read letters from the Christian Coalition and from Bruce Taylor into the record. More significantly, they flaunted statistics from the notorious Marty