**Chapter 3 Summary: Freedom of Speech:**

I- Regulating communications media:

A many-to-many medium, in which you don’t have to be rich to have access, and in which you don’t have to win the approval of an editor or publisher to speak your mind.

The First Amendment is a restriction on the power of government, not individuals or private businesses. Print media, broadcast, common carries.

II- Controlling offensive speech:

There is material on the Web that most people would consider inappropriate for children…

**FREEDOM OF SPEECH GUIDELINES:**

1. Distinguish speech from action. Advocating illegal acts is (usually) legal.
2. Laws must not chill expression of legal speech.
3. Do not reduce adults to reading only what is fit for children.
4. Solve restrictive problems by least restrictive means.

**Free-speech Principles:**

1. Written for offensive and/or controversial speech and ideas
2. Restriction on the power of government, not individuals or private businesses
3. Supreme Court principles and guidelines
4. Advocating illegal acts is legal
5. Does not protect libel and direct, specific threats
6. Inciting violence is illegal
7. Allows some restrictions on advertising
8. Protect anonymous speech

**Obscenity**

* 1. Depicts a sexual act against state law
  2. Depicts these acts in a patently offensive manner that appeals to prurient interest as judged by a reasonable person using community standards
  3. Lacks literary, artistic, social, political or scientific value

Internet Censorship Laws & Alternatives:

* Communication Decency Act (CDA)
  + Federal judge stated that the Internet is the most participatory form of mass communication
  + Attempted to avoid conflict with first amendment by focusing on children
  + The Internet deserves the highest protection from government intrusion
  + Found to be unconstitutional:
    - The worst material threatening children was already illegal
    - It was too vague and broad
    - It did not use the least restrictive means of accomplishing the goal of protecting children
* **Child Online Protection Act of 1998 (COPA):**
  + Federal crime for commercial web sites to make available to minors harmful material by FCC standards
  + Found to be unconstitutional:
    - Government did not show that COPA was necessary to protect children
    - Child Online Protection Commission concluded that less restrictive means, filtering, was superior to COPA
* **Children's Internet Protection Act of 2000 (CIPA):**
  + Requires schools and libraries that participate in certain federal programs to install filtering software
  + Upheld in court:
    - Does not violate First Amendment since it does not require the use of filters, impose jail or fines
    - It sets a condition for receipt of certain federal funds

**Content filters:** Software filters work in a variety of ways. They can block sites with specific words, phrases, or images. They can block sites according to various rating systems. They can contain long lists of specific sites to block. Filters cannot do a perfect job. They screen out both too much and too little.

To avoid censorship subscription based websites can ban those who post offensive material.

**Spam:** Spam is commercial advertising. Spam developed because e-mail is extremely cheap compared to print direct-mail advertising. Some businesses and organizations compile or buy huge lists of e-mail addresses and send their unsolicited messages. Some build lists by using automated software that surfs the Web and collects anything that looks like an e-mail address. Spam is cheap. Thus one idea for reducing it is to increase its cost to the sender.

There are many ***anti-spam*** laws such as the CAN-SPAM act, commercial messages must include valid mail header information, a valid return e-mail address, and a valid physical postal address.

Companies sell self-help software to assist people in writing wills, premarital agreements, and many other legal documents. Reducing our dependence on expensive experts. The Web provides the potential for reducing prices of many products by eliminating the “middleman”.

**Impact of censorship:**

Web sites with content that is illegal in one country can be set up in some other country. Actions by some governments threaten the notion of different national standards.

Software called geolocation software, to figure out where Web site visitors were located. The software uses routing information and databases of numerical Internet addresses to try to determine location. The goal is for Web site visitors to see information in their own language and advertising relevant to their own culture, country, or location.

**Censorship in countries:** In countries where the national government owns the Internet backbone, the government install their own computers between the Net and the people with sophisticated firewalls and filters to block what they do not want their people to see. In some long-unfree countries, governments are struggling with the difficulties of modernizing their economy and technology while maintaining tight control over information. If companies do business within another country, they must follow the laws of that country. Some access is better than no access.

**Anonymity:** Many people use pseudonyms to keep their real identity private. Victims of rape and of other kinds of violence and abuse and users or illegal drugs who are trying to quit are among those who benefit from a forum where they can talk candidly without giving away their identity. Whistleblowers, reporting on unethical or illegal activities within the government agency or business where they work, may choose to release information via anonymous postings, people use anonymous e-mail to protect themselves. Anonymity is seen as unneighborly or risky.

**Net Neutrality or De-regulation?**

* Net Neutrality
  + Argue for equal treatment of all customers
* De-regulation
  + Flexibility and market incentives will benefit customers