

# Censorship & Content Filtering in Public Institutions



## Supplement to CSH5 Chapter 72

### Legal and Policy Issues of Censorship and Content Filtering

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## Objectives



- This set of notes *supplements* CSH5 Chapter 72
- *However, the materials do not correspond to the structure of the chapter*
- Much of the lecture is devoted to exploring the functional requirements and difficulties of *schools* and *public libraries* as examples of institutions influenced by First Amendment considerations.
  - ❑ Corporations have a much easier range of choices when controlling Internet access (see Chapter 48, E-mail and Internet Use Policies, in the CSH5)

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## Topics



- Case Study: Schools and Public Libraries
- Corporations
- Filtering Technology
- Management Alternatives

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## Case Study: Schools and Public Libraries



- Problems on the Internet
- Responsibilities to Stakeholders
- Legal Context
- Political context: conflicting pressures

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## Problems on the Internet



- Pedophiles
- Hate groups
- Pornography
- Plagiarism
- Stolen music & video
- Warez
- Viruses
- Criminal hackers
- Games
- Social Networking

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## Pedophiles



- Misrepresentation as youngsters
- Chat rooms
- E-mail
- Video films
- Bus/Airline tickets -- meetings

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## Hate Groups

- Growing movements across world
- Anti-everything
  - ❑ Racist
  - ❑ Anti-Catholic, anti-Jewish, anti- . . .
  - ❑ Homophobic
- Recruiting young people through Web
  - ❑ Hate-rock
  - ❑ Propaganda

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## Pornography

- Widespread – massive amount of content
- Misleading URLs
  - ❑ Trademark violations, variant domains
    - ✓ <http://www.whitehouse.com> (no longer active)
  - ❑ Misspellings
    - ✓ <http://www.micosoft.com> (no longer active)
- Junk e-mail invitations
  - ❑ e.g., new CompuServe accounts in 1990s received invitation for Russian porn from St Petersburg within 60 seconds

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## Plagiarism

- Buy / trade copies of essays, term papers
  - ❑ wide range of subjects, styles
  - ❑ choose your preferred grade (A+, B- . . .)
- Write-to-order
  - ❑ Graduate students
  - ❑ Impecunious adjunct faculty
- Anti-plagiarism sites available for teachers
  - ❑ Check student paper against database of stolen papers; e.g.,
    - ✓ <http://www.doccop.com>
    - ✓ <http://turnitin.com>

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## Stolen Music & Video

- Widespread problem
  - ❑ Trading copies of music
  - ❑ Most without permission – copyright violations
  - ❑ Lawsuits against companies & individuals
    - ✓ MPAA, RIAA
- Problems
  - ❑ Bandwidth saturation – many colleges trapping protocols by packet type
  - ❑ Legal liability

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## Warez

- Stolen software
  - ❑ Violation of copyright law
  - ❑ Often virus-infected
  - ❑ Many Trojan Horse programs
- Sites
  - ❑ Warez exchanges
  - ❑ Individual exchanges
  - ❑ Electronic auction services
  - ❑ Completely fake download sites – no software, only theft of PII
- Severe penalties for school systems
  - ❑ Los Angeles: \$5M fines

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## Malware

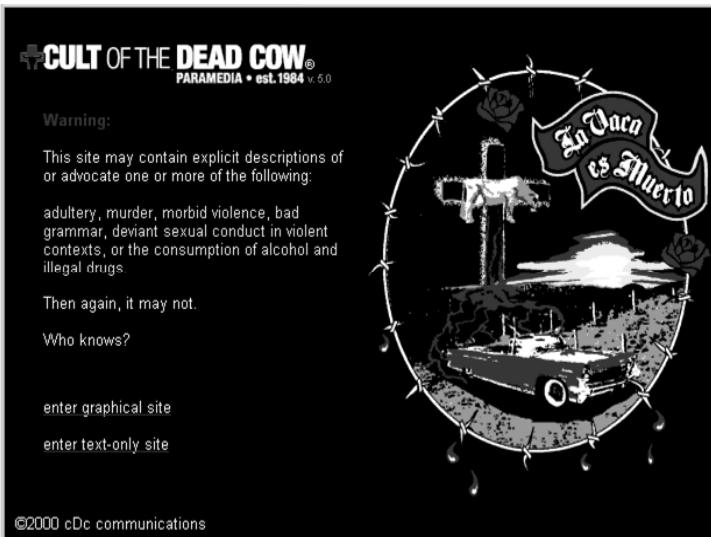
- Self-replicating code
  - ❑ Program infectors
  - ❑ Boot-sector viruses
  - ❑ Internet-enabled worms
- Non-replicating code: Trojan Horse programs
- Sources
  - ❑ Accident
  - ❑ Deliberate infection
  - ❑ Virus-exchange sites
- Damaging
  - ❑ Availability, integrity, confidentiality, control, authenticity, utility

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## Criminal Hackers

- Propaganda
  - USENET groups
  - Web sites
  - Printed magazines
  - Regular meetings (2600)
- Appeals to kids
  - Group affiliation
  - Rebellion
  - Power
  - Video-game syndrome



## Games

- Cooperative multiplayer games
  - Quake
  - Doom
  - Gambling
- More a nuisance than a danger
  - High bandwidth utilization

## Social Networking

- Explosive growth since 1990s
  - 55.6M US users online at least once/month
  - <http://mashable.com/2009/07/28/social-networking-users-us/>
- 181 major social networking sites:
  - [http://en.wikipedia.org/wiki/List\\_of\\_social\\_networking\\_websites](http://en.wikipedia.org/wiki/List_of_social_networking_websites)
- 11 major online dating sites:
  - [http://en.wikipedia.org/wiki/List\\_of\\_online\\_dating\\_websites](http://en.wikipedia.org/wiki/List_of_online_dating_websites)

## Responsibilities to Stakeholders

- Schools
  - Provide access to information
  - Protect children against abuse
  - Respect wishes of parents
  - Comply with educational standards
- Libraries
  - Provide access to information
  - Comply with legal requirements against illegal materials
  - Avoid violating 1<sup>st</sup> Amendment

## Corporations



- Private industry can regulate use of corporate assets
- Key issue is policy awareness
  - ❑ Policy must be clear and unambiguous
  - ❑ All employees must know and understand the policies on appropriate use
  - ❑ Policies compliance must be monitored and enforced consistently
- Failure to protect employees against exposure to offensive materials may be grounds for tort: hostile work environment

## Costs of Inappropriate Use of Internet Access



- Massive costs
- Some cases where 20-40% of user time spent misusing Internet access
- Gross waste of resources and wages
- Demoralizes hard-working staff
- Decreases respect for lax management
- Increases petty violations of other policies and rules (e.g., theft of supplies)

## Technology



- Monitoring
  - ❑ tools for reviewing what users are doing on the Net
- Filtering
  - ❑ tools for limiting what users are doing on the Net

The screenshot shows the SpectorSoft website with a navigation bar and several product tiles. The main heading is 'Automatically Record Everything They Do On The Internet'. Below this are three product tiles: 'Spector Pro 5.0' (Powerful Monitoring, Extreme Ease of Use), 'eBlaster 5.0' (Remote Monitoring Software), and 'Spector CNE' (Corporate Network Edition). Each tile includes a brief description and a 'BUY NOW' button. At the bottom, there are sections for 'PC Magazine Double Award Winner', 'Order Toll Free 1-888-598-2788', and 'A 2004 Inc 500 Company'.



### SpyBuddy Spy Software

Our most popular spy package!  
 SpyBuddy captures all user activities both online and off. Including new AOL, chats, instant messages, emails, and all keystrokes and websites visited!  
 \$49.99

[Learn More](#)



### NetObserve Remote Spy

Our most powerful monitoring program!  
 (Remote Internet Spy Software)  
 Records keystrokes and Internet usage activities Remotely! All records are viewable through your web browser!  
 \$54.95

[Learn More](#)





### WebMail Email Spy

WebMail Spy records Web-based E-Mail! WebMail Spy is a powerful, discrete monitoring software application which will record and store web-based e-mail messages from **Hotmail, Yahoo Mail, Go Mail, AOLMail and many others.** \$39.99

[Learn More](#)



### iSpyNow Remote Install Spy

iSpyNow is the first remote install computer monitoring product offered anywhere! iSpyNow spy software **installs through an email attachment.** You will simply not find this software anywhere else! \$79.95

## Monitoring

- Audit trails
  - disk files
  - browser URL trail
  - browser disk cache
  - anti-virus products
  - anti-game software
  - anti-MP3-music software
- Real-time alerts
  - Web page
  - suspect e-mail content
- Human inspection
  - remote-access software
  - supervising by walking around

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## Filtering

- Anti-virus products
- Firewalls
- Self-rating & filtering proposals
- Censorware

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## Firewalls

- Corporate
  - Can block access to specific types of traffic
  - E.g., P2P file/music/video sharing
  - Often integrates antivirus capabilities
- Workstation firewalls
  - Zone-Alarm
  - BlackIce
  - Norton
  - McAfee

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## Self-rating & Filtering Proposals

- ICRA – Internet Content Rating Association
  - RSACi system
  - already works with common browsers
- PICS – Platform for Internet Content Selection
- Fundamental question:
  - Why would objectionable sites rate themselves at all?

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## RSACi Standards

	Violence Rating Descriptor	Nudity Rating Descriptor	Sex Rating Descriptor	Language Rating Descriptor
Level 4	Rape or wanton, gratuitous violence	Frontal nudity (qualifying as provocative display)	Explicit sexual acts or sex crimes	Crude, vulgar language or extreme hate speech
Level 3	Aggressive violence or death to humans	Frontal nudity	Non-explicit sexual acts	Strong language or hate speech
Level 2	Destruction of realistic objects	Partial nudity	Clothed sexual touching	Moderate expletives or profanity
Level 1	Injury to human being	Revealing attire	Passionate kissing	Mild expletives
Level 0	None of the above or sports related	None of the above	None of the above or innocent kissing; romance	None of the above

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## Censorware

### ➤ Types

- Site-specific exclusion
  - ✓ lists of forbidden sites – updated often
- Content recognition
  - ✓ lists of forbidden terms
  - ✓ nudity-recognition algorithms

### ➤ Problems

- very high false-positive rates (rejecting sites unrelated to targets)
- political bias (rejecting educational sites whose philosophy the makers reject)

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## Legal Context: Disclaimer

- I am not a lawyer and this is not legal advice.
- For legal advice, consult an attorney with expertise in the area of law of concern to you who is licensed to practice law in your jurisdiction.

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## Legal Context: First Amendment Law (USA ONLY)

- Complex area – much subtle reasoning
- Ultra-simple summary:
  - Who cannot censor speech?
    - ✓ governments acting against others as sovereign to control unprotected speech
    - ✓ governments acting against protected speech
  - Who can censor speech?
    - ✓ governments controlling their own speech or that of their agents
    - ✓ within limits, anyone else dealing with private speech on their own property

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## Legal Context (2)

**How do we decide if restrictions are constitutional or unconstitutional?**

- Determine capacity in which government is acting
- Determine degree of protection of specific speech

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## Determine Capacity

- Sovereign – least power to regulate speech
- Employer – can regulate speech
- Proprietor – can regulate
- K-12 educator – broad but not unlimited power
- University educator – less discretion to control
- Speaker – complete power to control speech
- Subsidizer – complete power

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## Determine Protection

- Constitutionally *valueless* speech
  - Deliberate or reckless falsehoods
  - Obscenity (difficult issue)
  - Child pornography
  - Incitement to lawless conduct
  - Threats
  - Criminal solicitation or conspiracy
- Intermediate protection
  - Commercial advertising that is not false or misleading
  - Sexually explicit but not obscene speech

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## Obscenity & Indecency

- Obscenity
  - Average person
  - Community standards
  - Patently offensive
  - Prurient interests
  - Lacking in serious value
  - Not protected by 1<sup>st</sup> Amendment
- Indecency
  - Primarily regulated for children
  - Protected by 1<sup>st</sup> Amendment

Literary  
Artistic  
Political  
Scientific

Child porn – felony  
❖ Making  
❖ Transmitting  
❖ Storing

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## Determine Protection (cont'd)

- Fully-protected: all other speech
  - political, social, religious, philosophical, scientific
  - art, literature, music, poetry
  - jokes, gossip, entertainment, casual chat

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## Political Context: Conflicting Pressures

- For filtering
  - concerned parents
  - right-wing
  - religious fundamentalists
- Against filtering
  - concerned parents
  - libertarians
  - civil liberties advocates
  - privacy activists

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## Recommendations: Schools & Libraries



- Define standards of acceptable use for children, students, teachers and staff
  - important issue is the discussion
  - safeguard children against harm
  - respect other people

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## Recommendations (2)



- School/Library Internet oversight group
  - include all concerned
    - ✓ students
    - ✓ parents
    - ✓ teachers
    - ✓ staff
  - explicitly discuss each issue
    - ✓ protecting children against bad people
    - ✓ protecting others against children
    - ✓ intellectual property rights
    - ✓ training in critical thinking

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## Recommendations (3)



- Provide educational resources for all concerned
  - acceptable-use guidelines
  - limited expectation of privacy
  - pamphlets
  - URLs

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## Recommendations (4)



- At home, in libraries and schools
  - Use supervision-by-walking-around
- Install *monitoring* software, not *blocking* software
- Discuss infractions with all concerned – parents, students, staff, teachers

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## Review Questions (1)



1. In what sense do schools and public libraries tread a fine line between unfettered access to everything and strict controls on Internet access? Why do school and library administrators face a dilemma over Internet content?
2. Explain why it is generally seen as an easier management challenge to control Internet access in corporations than it is in schools and libraries.

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## Review Questions (2)



3. What are the consequences for users of false positives in filtering software? For example, censorware has on occasion blocked computer source code because one line ended in NU and the next line began with DE. Other products blocked all e-mail or Web site that included the string “sex” anywhere at all in any word regardless of context. An astronomy site was blocked by censorware because of the use of phrases such as “visible to the naked eye” and “naked singularity.” Discuss the possible effects and costs of such blockages in (a) schools; (b) libraries; (c) businesses.

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### Review Questions (3)

4. Contrast the two main technologies for controlling Internet access: monitoring and filtering. Which technology do you think poses greater management challenges for customer/user relations (a) in schools? (b) in libraries? Explain your answers.
5. Why do government-funded universities and libraries have more difficulty applying filtering software on their public terminals than privately-funded universities and libraries?
6. Do some research on the Web to determine the arguments presented (a) in favor of strong content filtering; (b) in favor of weak content filtering.

# DISCUSSION