Protecting Children and the Internet

The government has developed several laws to try and make the Internet decent, safe, and family friendly. This has been attempted in several acts including first the Communications Decency Act (CDA) in 1996, which criminalized the transmission including the Internet of obscene messages to recipients under the age of 18. However in 1997, the Supreme Court struck down parts of the CDA because they were in violation of the First Amendment. (McCarthy 16-25).

The Child Online Protection Act (COPA) has received the most attention in the courts. It was the successor to the CDA and passed Congress in 1998. In 2004, it was struck down by the Supreme Court; however, aspects of it are still popping up in hopes of it being passed and enforced all to keep as it says in the act, “material that is harmful to minors” in “any communication, picture, image, graphic image file, article, recording, writing, or other matter of any kind” that is “obscene” away from children (Melby, Simon, and Lowe 1).

Next came the Children’s Internet Protection Act (CIPA), which was signed into law in 2000. According to the Consumer and Governmental Affairs Bureau, this act has been more successfully upheld in the courts because it focuses more on the recipients of the material rather than the senders thus making it more First Amendment friendly (pars.2-3). “Under the Children’s Internet Protection Act of 2000, schools and libraries receiving E-rate funds must install technology to block or filter ‘offensive content’ from Internet-connected computers accessible to
children. An ‘authorized person’ may disable the filtering when an adult uses the computer for a lawful purpose” (Trotter par. 3). So Basically CIPA says that public libraries and schools need to install filtering software on their computers to block indecent material from the Internet in order to still receive federal funding. Libraries especially have felt like their funding is being held hostage and some have voluntarily given up their federal funding so that they do not have to install the filtering software thus upholding their beliefs in individual freedom and no censorship.

In 2003, CIPA was upheld in the Supreme Court, and the deadline for libraries and schools to have filtering software installed in order to not lose their funding was June 30, 2004. (Eberhart and Holmes 18). Currently some Republicans in Congress want to expand CIPA to include sites like MySpace to be filtered (Oder 17).

Finally, on May 9, 2006, another act was introduced called the Deleting Online Predators Act (DOPA) again in response to such tales of stalking, online harassment and child endangerment through web sites such as MySpace. Neil Oder states that DOPA “…would require schools and libraries to block access to a broad selection of web content, not just sites like MySpace--where even libraries have set up their own profiles--and would also block instant messaging, online email, wikis, and blogs” (18). However, the American Library Association feels DOPA is unnecessary because on account of CIPA, libraries and schools are already blocking obscene web sites and DOPA might make certain educational sites inaccessible to children.

My feelings on forced filtering of web sites for children are very mixed. As a librarian, I do believe in the uninhibited flow of information but only to people who can mentally handle the information. Who is to judge that? The government? The schools? The librarians? The parents?
Obviously the parents are the first choice, but they are not around their children in settings where they are on the Internet. I do believe then that we as a society need to protect the innocent at the expense of the free flow of information and the First Amendment. I do believe that to err on the side of caution is worth it.
Works Cited


*Academic Search Premier*. Web. 10 Mar. 2010