



The Current Legislative Challenge: DOPA and the Participation Gap

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On July 26, 2006, the U.S. House of Representatives passed the amended version of a bill requiring schools and libraries receiving E-rate funds to block access to social networking sites, such as MySpace, as well as access to a wide array of other content and technologies, such as instant messaging, online e-mail, wikis, and blogs. The Deleting Online Predators Act, or DOPA, the name given to H.R. 5319, passed 410-15, and heads to the U.S. Senate when the congressional summer recess ends in September.

The act is based on the fear that when young people reveal personal information about themselves to friends and new acquaintances online, such information becomes available to certain adults, dubbed by the act “online predators.” While this is a genuine concern, the act is overbroad and

threatens not only to disrupt the value of these targeted sites, but also to do so disproportionately, seriously disadvantaging young people who rely on public access computers rather than more private access via home computers, WiFi, cell phones, etc.

According to various estimates, MySpace currently has between 80 and 90 million users. It is described as a cultural requirement for today’s teens. One teen has said of the site, “If you’re not on MySpace, you don’t exist.” Before Congress decides that students who use computers at schools and libraries should be placed in the “nonexistent” category, the library community should take steps to educate the public and legislators about the risks of such legislation.

“If you’re not on MySpace, you don’t exist.”

Political Gain Leading to Loss of Participation

Henry Jenkins, co-director of the Comparative Media Studies Program at the Massachusetts Institute of Technology and a leading researcher on MySpace, makes the following point:

“The new legislation is being embraced by politicians in both parties eager to woo cultural conservatives and suburban voters as they enter what everyone knows is going to be a hotly contested election. Over time, as these technologies become better integrated into everyday life, as the generation that grew up with these technologies takes on adult responsibilities, things calm down again. People develop a more balanced perspective, which sees both the benefits and risks associated with these activities. Rather than restrict access, we educate our young people in the safe, ethical, and creative use of these technologies. Right now, MySpace is at the most disruptive point in this cycle: people are reacting in ignorance and fear, and in doing so, they increase the risks and discard the benefits of these emerging cultural practices.”

Jenkins doesn’t dismiss the concern that such sites can provide information to unwanted predators, but believes that statistics about the number of unwanted sexual solicitations are misstated and that the problem can be much better addressed by education than by blocking access:

“Now, the problem shifts from concerns about technical access to concerns about participation in the key social and cultural experiences, which are defining the emerging generation’s relationship to these technologies. What a kid can do at home with unlimited access is very different from what a kid can do in a public library with ten or fifteen minutes of access at a time and with no capacity to store and upload information to the Web. We further handicap these children by placing filters on the Internet that restrict their access to information, which is readily available to their more affluent classmates. And now this legislation would restrict their ability to participate in social networks or to belong to online communities. The result will be to further isolate children from poorer economic backgrounds, to cut kids at risk from support systems which exist within their peer culture, and to limit the social and cultural experiences of kids who are already behind in acquiring important networking skills that will shape their professional futures. All of this will compound what we are now calling the participation gap.”

Thought Provoking Suggestions

Michelle Stockwell, director, education and family policy for the Progressive Policy Institute, recently participated in a policy summit sponsored by the New America Foundation that brought together a diverse group of leading players from industry, government, academia, and child and family advocacy groups to discuss and debate the best approach to protecting kids from inappropriate media — and, ideally, facilitating parents’ efforts to identify positive media programming. (The summit was shown on many public broadcast stations and video clips of the presentations are available at <http://www.newamerica.net/>.)

Stockwell takes the position that the current legislation is overbroad and shortsighted. She offers some alternatives, such as electronic IDs, that would distinguish children from adults, as well as a number of as yet unfunded mandates. The following excerpts from her remarks, reprinted with permission, are presented to stimulate discussion:

“We’ve all seen news reports about MySpace.com and read with concern the accounts of teens that have been preyed upon by sexual predators. Such stories have raised questions about the safety of social networking Web sites and the need for stronger protections for minors. Unfortunately, much of the debate going on is shortsighted and fails to fully consider the benefits and dangers of social networking sites for kids, and lacks an understanding of how kids view the online world and the future of technology.

“For today’s kids, who have grown up immersed in the Web, the online world is a way of life. And, social networking sites are ‘virtual community centers,’ places where they can freely express themselves, communicate with friends, and develop their personal identities. Sites like MySpace, Facebook, and others allow kids to create their own personal Web pages with their favorite songs and photographs; instant message (IM) with their friends, and join online groups with shared interests, or blog. They are also places where youth talk about themselves and often share their personal information, including their e-mail address, age, and school, with new people that they meet.

“Unfortunately, this has meant that kids have shared this personal information with adults with ill intentions. It is estimated that one in five youth under eighteen gets sexual solicitations online. Sexual predators are a real concern. But an even greater problem may be the abundance of sexually explicit or pornographic material that kids encounter on these sites.

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“As we look for solutions to protect children from such harmful material, we have to recognize that parents are the first and best line of defense and they must do more. But, as Senators Clinton and Landrieu expressed, parents are overloaded with work and family responsibilities and overwhelmed by technology that they can't keep up with. Parents need help.”

“Some are proposing, for example, on the federal level, the Deleting Online Predators Act, H. R. 5319, to ban access in schools and libraries to sites that allow users to create Web pages or profiles, blog, chat, and IM. We should help keep children away from harmful content but we must be careful. That action could do more harm by cutting kids off from the benefits that these sites and services have to offer and may further exacerbate the divide between the technology haves and have-nots. And, it does little to ease the concern of parents who still need help at home.

“In our wired world, children need to learn how to explore and understand the Web, but we must protect them while they learn. We should use this opportunity to reevaluate existing safety measures geared to aging forms of media and craft a new comprehensive approach to child online safety. And, we must examine not just social networking Web sites, but IM, chat rooms, peer-to-peer file sharing networks, and blogs.

“The Progressive Policy Institute has long advocated for digital certificates and smart identification cards as a means to help combat terrorism, protect against fraud and identity theft, and other uses. It is time to apply this technology to online age verification. We are already moving toward smart cards. Under current law, by 2008, state driver's licenses must be interoperable, bearing common machine-readable technology. The Department of Homeland Security (DHS) has yet to specify, but all licenses may soon become “smart cards” that may be used for identification purposes. Congress should require states to issue smart IDs and digital certificates to adults who want them; and for online age verification purposes, Congress should investigate the feasibility of and means for extending these measures to youth.

“The U.S. Department of Education should come up with voluntary guidance and curriculum that schools can use to teach Internet safety and cyber-citizenship, including the dangers of sharing personal information and harms of cyberbullying. States should mandate Internet safety education programs in schools. I particularly liked Commissioner Cox's idea of making such education programs K-12.

“Media is converging and music, television, and movies are increasingly moving to online transmission. As media converges and content becomes available on a wider range of technological devices, labeling of content, such as what groups like the Internet Content Rating Association (ICRA) are calling for, can help facilitate better filtering.

“Finally, we need a new multimedia, multisector voluntary code of conduct and understanding of community standards for the Web. Social networking sites, Internet service providers, the entertainment industry, and others should establish, in partnership with parent and community organizations, an independent monitoring and advisory body to develop voluntary standards regarding content, establish policies to protect minors from inappropriate material, and conduct media literacy and safety education campaigns with parents and children.”

Communication and Education as Further Alternatives

Jenkins also recognizes parental roles in addressing this issue and provides a nuanced view, along with some specific suggestions:

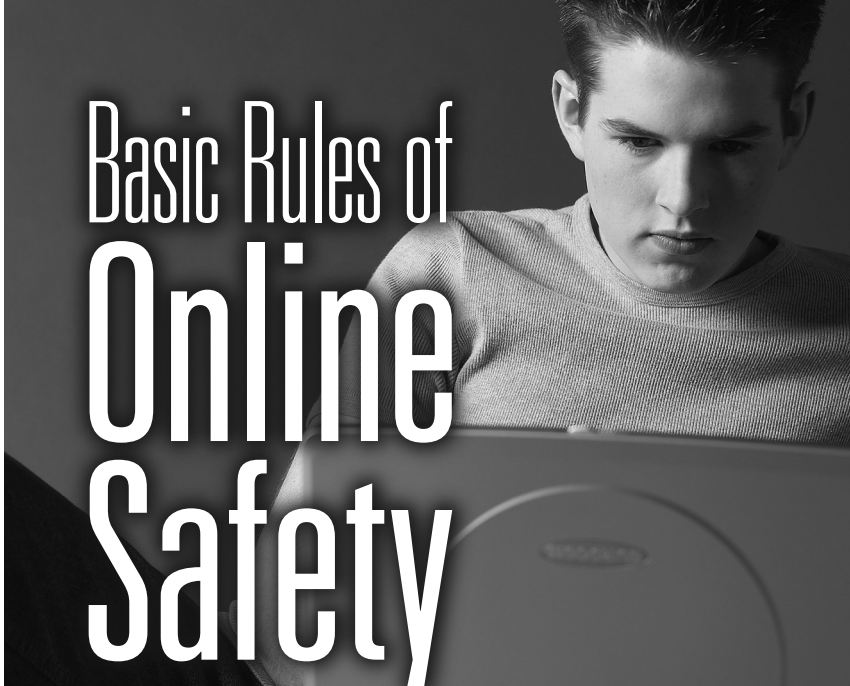
“Parents face serious challenges in helping their children negotiate through these new online environments. They receive very little advice about how to build a constructive relationship with media within their families or how to help their offspring make ethical choices as participants in these online worlds. As a culture, we have deeply conflicted assumptions about adolescence which functions as a period of transition: Most of us recognize that teens need to take on a greater degree of autonomy as they prepare for adult lives, even as they still need some degree of adult supervision to help them make sane and safe decisions. We simply disagree about the relative balance of freedom and autonomy that teens should receive.

“We respect the fact that the decisions families make about media reflect some of their most deeply held values; different families have different concerns and make different decisions. For that reason, we think decisions about youth access to digital technologies should be made in the context of individual families and not form the basis of one-size-fits-all federal legislation. Recognizing that different parents will approach these issues in different ways, we would still offer the following as our governing philosophy for dealing with MySpace and other social software:

- 1) Communication with your daughter or son is key. Build a trusting relationship through dialogue. It is important to talk with them about your concerns; it is even more important to listen to what they have to say about their online experiences and why these sites are such an important part of their interactions with their peers. You need to recognize that some unfamiliar experiences look scarier from the outside than they are. Take time to understand what you are seeing and what it means to participants.
- 2) Create an account to understand how the site works, but not to stalk your kids. They need room to explore, but if you are familiar with the media and technology that they consume, you can provide valuable guidance and suggestions. Surveillance, while possible, damages a trusting parent-child relationship.
- 3) Ask your kids how they choose to represent themselves and why. Use MySpace as a resource to start a conversation about contemporary fashion, ideals, and media images.
- 4) Talk about private/public issues with your kids. Help them to understand the consequences of making certain information publicly accessible. Get them to think through all of the possible audiences who might come into contact with their online information. Teens often imagine MySpace as a youth-only world. It isn't and they need to consider what the consequences would be if their grandparents, their teachers, admissions officers, or a future employer read what they said about themselves. Helping your children learn how to negotiate such public environments is a great educational opportunity.
- 5) Talk through what kids should do if they receive unwanted attention online or if they find themselves the victims of cyberbullying. A growing number of sites provide useful information about how to confront such problems, including:
 - Net Family News
 - NetSmartz
 - SafeTeens

The 'Safety Tips' section of MySpace also provides information for both parents and teens, including MySpace policies."

Jenkins's remarks reprinted with permission from MIT News Office. Full text available at: <http://tinyurl.com/kqg8d>



Basic Rules of Online Safety

for Teens

The most important thing to remember is that when you're online in any kind of a public forum, you're out in public and anyone can read whatever you post. You should never post anything on the Internet that you wouldn't want known to the public at large. You should also remember that people you meet in cyberspace might not be whom they seem to be.

1. Keep Your Identity Private

If you're in any type of public forum, avoid giving out your full name, your mailing address, your telephone number, the name of your school, or any other information that could help someone determine your actual identity. The same applies to your family and friends. Never reveal anything about other people that could possibly get them into trouble.

2. Never Get Together with Someone You "Meet" Online

The biggest danger to your safety is if you get together with someone you "meet" online. Remember, you never know for certain if people you meet online are who they say they are. If you do feel it's appropriate to meet with someone, discuss it with your parents and never go to the meeting by yourself. Arrange to meet in a public

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place like a coffee shop or mall that you, not just the other person, are familiar and comfortable with, and never go alone. The safest procedure is to have your parents talk with the parents of the other person and for both of you to bring your parents along on the first meeting.

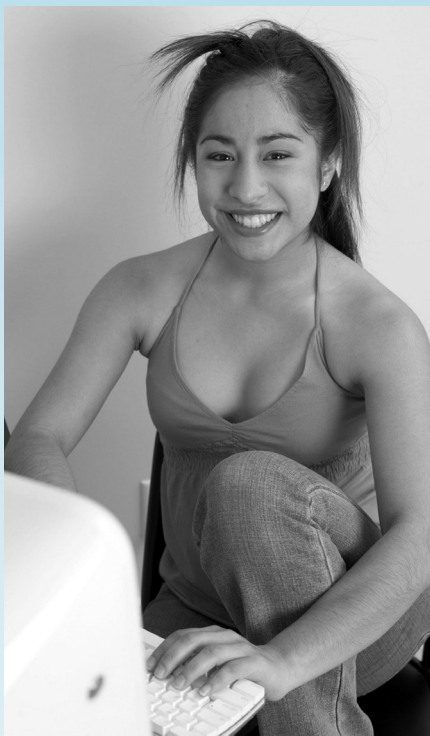
3. Never Respond to E-Mail, Chat Comments, Instant Messages, or Other Messages That Are Hostile, Belligerent, Inappropriate or in Any Way Make You Feel Uncomfortable

It isn't your fault if you get a message that is mean or in any way makes you feel uncomfortable. If you get such a message or messages, don't respond. Instead, show it to your parents or a trusted adult to see if there is anything you can do to stop the messages. Sending a response just encourages the person.

4. Talk with Your Parents about Their Expectations and Ground Rules for Going Online

It's important that you and your parents are on the same "channel" when it comes to your online activities. This includes when you can go online, how long you can stay online, and what activities you can do online. Communicating with your parents doesn't mean that you have to give up your privacy. It just means that you come to an agreement based on mutual trust and understanding. While you're at it, perhaps you can help your parents better understand the Internet, what it can be used for, and how it is helpful for teens.

Source: <http://www.safeteens.com/teenrules.htm>



Talking Points

ILA supports the goal of protecting children from online predators. One of the primary concerns of the library community is the safety of children. We know that the best way to protect children is to teach them to guard their privacy and make wise choices. To this end, libraries across the state offer instruction on safe Internet use.

- 1) Education, not laws blocking access, is the key to safe use of the Internet. Libraries and schools are places where kids learn essential information literacy skills that go far beyond computer instruction and Web searching. Indeed, DOPA would block usage of these sites in the very environments where librarians and teachers can instruct students about how to use all kinds of applications safely and effectively and where kids can learn to report and avoid unsafe sites.
- 2) Limiting access to social networking sites in E-rate schools and libraries will have little impact on the overall problem since young people access these collaborative sites from many locations and over a period of time. If children are going to get into trouble online, chances are it won't be at school. They'll be home, they'll be at a friend's house, or they could even be using their mobile phones completely apart from adult supervision. Schools and libraries are relatively protected environments where adults are never far away and, for the most part, computers are in public locations that make it difficult for users to hide what they're doing.
- 3) While seeking to protect children from predators, H. R. 5319 would impact a wide range of social networking sites that are used daily by millions of Americans. DOPA is much too broad. It proposes to block access to beneficial collaborative Web applications and resources.

“Our responsibilities as educators should be to bring reason to bear on situations which are wrought with ignorance and fear, not to hide our eyes from troubling aspects of teen culture.”

- 4) DOPA ignores the value of interactive Web applications. New Internet-based applications for collaboration, business, and learning are becoming increasingly important, and young people must be prepared to thrive in a work environment where meetings take place online, and where online networks are essential communication tools.
- 5) Local decision making — not federal law — is the way to solve the problems addressed by DOPA. Such decisions are already being made locally, in part due to the requirements of the Children’s Online Protection Act (COPA) for E-rate recipients. An additional law is not necessary.
- 6) DOPA would restrict access to technology in the communities that need public access most. H. R. 5319, as presently drafted, would require libraries and schools receiving E-rate discounts through the Universal Service Program to block computer users from accessing interactive Web applications of all kinds, thereby limiting opportunities for those who do not have Internet access at home. This unfairly denies the students and library users in schools and libraries in the poorest communities from accessing appropriate content and from learning how best to safely manage their own Internet access in consultation with librarians and teachers.
- 7) School officials note they are faced with a new problem of monitoring students’ and teachers’ use of the Internet on personal laptops on school grounds.

ILA’s Emerging Action Plan

ILA will work on a campaign to educate children, parents, and teachers on how to use the Internet safely.

- ILA will inform our elected officials that the library community is very concerned about the safety of children. We believe that the best way to protect children is to teach them to guard their privacy and make wise choices. We know parents are overloaded with work and family responsibilities and overwhelmed by technology. We also know education, not laws blocking access, is the key to safe use of the Internet.
- ILA will sponsor educational programs on this topic and encourage the Illinois library community to be more proactive on this issue.
- ILA will refer and share with the Illinois library community existing tools to help fulfill our educational responsibilities.
- The ILA Best Practices Committee is soliciting suggestions for “Best Educational Practices for Children, Parents, and Teachers on How to Use the Internet Safely,” to be posted on the ILA Web site.
- ILA will produce a pamphlet/brochure for libraries to distribute to the general public and ensure its availability for downloading on the ILA Web site.
- ILA will disseminate information on training programs for librarians to conduct with the general public on this topic and encourage the use of these training programs in their communities.

If you have further suggestions on how ILA can help, please send an e-mail message to doyle@ila.org. Thank you!

