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**Statement of Tim Lordan  
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**before the Senate Committee on Science, Commerce & Transportation**

**Concerning Internet Pornography**

**January 19, 2006**

Chairman Stevens, Co-Chairman Inouye and members of the committee, thank you for inviting the Internet Education Foundation to comment on this enormously important issue. I am Tim Lordan, executive director of the Internet Education Foundation (IEF).

**About Us**

IEF is a non-profit, 501c3 organization dedicated to educating the public and policymakers about the potential of a decentralized global Internet to promote democracy, communications, and commerce. In furtherance of this mission, IEF executes two main projects: the Congressional Internet Caucus Advisory Committee<sup>1</sup> and the GetNetWise Project.<sup>2</sup> Working on the former project has allowed IEF to closely follow the development of policies and practices aimed at ensuring that children have safe and rewarding experiences online. Through the latter project IEF works to educate parents on the steps they can take to keep their children safe online.

The Congressional Internet Caucus Advisory Committee has held over a half-dozen congressional education panels and technology demonstrations on the state of the art in keeping children safe online. For these congressional briefings we have assembled experts in the field of children's online safety – from law enforcement officials to technologists.

In developing the GetNetWise.org site we rely on similar experts in the field of child safety to develop our educational materials. Further, our industry partners bring important technical

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<sup>1</sup> The Congressional Internet Caucus Advisory Committee (ICAC) is a diverse group of public interest, non-profit and industry groups working to educate Congress and the public about important Internet-related policy issues. See <http://www.netcaucus.org>

<sup>2</sup> GetNetWise is a public service provided by Internet industry corporations and public interest organizations to help ensure that families have safe, constructive, and educational or entertaining online experiences. The GetNetWise coalition wants Internet users to be just "one click away" from the resources they need to make informed decisions about their family's use of the Internet. GetNetWise is a project of the Internet Education Foundation with an advisory board to children's online safety experts and advocates. See <http://www.getnetwise.org>

expertise to the project. The site includes precautionary tips, short video tutorials and suggested actions to take to combat various cyber threats including kid's Internet safety and privacy. In the last year alone, the site has attracted over 200,000 unique visitors, and is widely recognized as a critical resource for parents looking for information on how best to protect their children online. In fact PC Magazine lists GetNetWise as one of its "Top 100 Websites" they "can't live without."<sup>3</sup> In addition to tips the GetNetWise.org site also includes a searchable database of over 70 parental empowerment tools that provides parents with detailed information about tools that filter sexually explicit content, limit a child's time online, monitor their online activities, and block children from providing information about themselves to strangers. This tools database is the cornerstone of the GetNetWise Web site and central to its success.<sup>4</sup>

## **The Challenge**

Access by children to age-inappropriate material is a parenting challenge in any medium. Parents must make decisions everyday about the types of content that are appropriate for their children at every stage of their development. While the concerns families harbor about Internet pornography are very real, parents are also realizing that the Internet has become an integral and necessary component of their children's future success in school and, ultimately, in the workplace. The Internet, in all of its myriad manifestations, is not an appliance that parents have the option of simply turning off. Nor should they — even if they were able.

It is beyond the scope of my testimony to detail how transformative the Internet is becoming to virtually every human endeavor. Obviously, this committee understands the Internet's profound affect the Internet is having on all manner of commerce. Soon the Internet will become the primary conduit to the digital repositories of all human knowledge. Even now, when faced with a challenging research assignment, today's school children reach for the mouse and keyboard just as naturally as I would have reached for my library card. A child's capacity to master the Internet — to communicate, to research, to collaborate — will directly impact his or her success in future academic and career endeavors. Taken one step further, mastery of the Internet today is a critical factor in keeping America competitive and culturally relevant tomorrow.

How do parents allow their children to use the Internet for all its many and undeniable benefits while at the same time rest assured that they are not accessing pornography while online? As any parent can attest, parenting is not restful and there are no panaceas.

Certainly in the decade since the Internet started to become widely available congressional intervention has provided anything but a panacea to the availability of pornography online. Neither the Communications Decency Act (CDA)<sup>5</sup> nor Child Online Protection Act (COPA)<sup>6</sup> has ever been enforced. While the Supreme Court struck down the CDA outright,<sup>7</sup> COPA survives yet, but its outcome is far from certain. Even if COPA were to pass constitutional

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<sup>3</sup> "2004 100 Top Web Sites You Didn't Know You Couldn't Live Without," *PC Magazine*, Apr 20, 2004. Available online at <http://www.pcmag.com/article2/0,1759,1554208,00.asp>

<sup>4</sup> Tools database at <http://kids.getnetwise.org/tools/>

<sup>5</sup> See <http://www.fcc.gov/Reports/tcom1996.txt> at §223.

<sup>6</sup> 47 U.S.C. § 231.

<sup>7</sup> See *Reno v. ACLU*, 521 U.S. 844.

muster, experts say that parents would find it of little solace as the vast majority of Internet pornography — about 75% — comes to the U.S. from overseas Web servers outside the jurisdictional reach of U.S. laws and enforcement.<sup>8</sup> This is the conclusion of a blue ribbon, National Academy of Sciences panel commissioned by Congress to undertake a study of "computer-based technologies and other approaches to the problem of the availability of pornographic material to children on the Internet."<sup>9</sup> The panel, chaired by former U.S. Attorney General Richard Thornburgh, reached its conclusions after two years of research, with the assistance of extensive expert testimony, and numerous meetings, plenary sessions, workshops, and site visits.

## Parenting Online

There is no substitute for old-fashioned parenting when it comes to keeping children safe online and away from pornography. However, responsible parents can employ the assistance of technology tools such as content filters with remarkable efficiency. Content filtering and other parental empowerment tools are supplements, not substitutes, for parenting in the online age. As with any other approach to ensuring proper child development, active participation by parents in a child's online activities is critical.<sup>10</sup>

Content filters use some of the same technology as your favorite search engines. A search engine uses complex mathematical formulas to return the most relevant results. The engine examines at the words you type in, it analyzes their relation to one another, searches its index of Web sites for similar word relationships. Content filters work in much the same way — by mathematically analyzing the relationships between words and Web sites to determine whether the content should be blocked. Thus, the text-based nature of today's Internet has enabled these filtering tools to work remarkably well.

Statistics show that parents are starting to use parental empowerment tools more and more. A March 2005 report by the Pew Internet & American Life Project (Pew) showed a sharp increase in the percentage of parents who used filters — compared to those who used filters in 2000.<sup>11</sup> Any number of factors could explain this sharp increase. Major Internet service providers provide robust parental control tools as a benefit of the service itself. Most of these services or software tools use a combination of tools to help parents guide their child's experiences online.

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<sup>8</sup> See Nat'l Research Council of the Nat'l Academy of Sciences, "Youth, Pornography, and the Internet" (2002) at page 4. The full report is also available online in HTML format at [http://books.nap.edu/html/youth\\_internet/](http://books.nap.edu/html/youth_internet/) and in PDF format at <http://books.nap.edu/books/0309082749/html/index.html>.

<sup>9</sup> *Id.*

<sup>10</sup> The Nat'l Academy of Sciences report emphasized this point by noting "[t]echnology-based tools, such as filters, can provide parents and other responsible adults with additional choices as to how best to fulfill their responsibilities. Though even the most enthusiastic technology vendors acknowledge that their technologies are not perfect and that supervision and education are necessary when technology fails, tools need not be perfect to be helpful." *Id.* at 15.

<sup>11</sup> See Pew Internet & American Life Report, "Protecting Teens Online" 2005 by Amanda Lenhart. The full report is available online at [http://www.pewinternet.org/PPF/r/152/report\\_display.asp](http://www.pewinternet.org/PPF/r/152/report_display.asp).

Pew also found that a substantial number of parents have implemented "house rules" that detail when and for how long children can use the Internet.<sup>12</sup> Also according to Pew, 62% of parents say that they have "checked up on where a child has gone online."<sup>13</sup>

The statistics show that parents continue taking their online parenting responsibilities seriously. While there are no silver bullets to the problem of Internet pornography, the studies and research show that a holistic parenting solution can go a long way. The congressionally appointed COPA Commission in its 2000 report to Congress shared this view. The commission concluded that the "most effective current means of protecting children from content on the Internet harmful to minors include: aggressive efforts toward public education, consumer empowerment, increased resources for enforcement of existing laws, and greater use of existing technologies."<sup>14</sup> The holistic approach includes active involvement a child's online activities, using parental control tools such as filters, and setting basic rules for proper Internet use.

### **Opportunities for Parental Control Solutions in the Age of Convergence**

While the committee has chosen to bifurcate the Internet hearing from the mass media decency hearing, we believe that these seemingly disparate issues are headed for a convergence. Digital convergence means that the lines separating various types of media platforms are blurring. Now, more and more audio and video segments are coursing through online and wireless networks, increasingly un-tethered from the common Web browser. These segments are streaming to a new array of applications and devices in ways never imagined when GetNetWise.org was launched in the last millennium. The terms video iPods, IPTV, flash video, and vlogging have suddenly entered our daily lexicon. In fact, the Internet is starting to become the delivery vehicle of choice for traditionally produced mass media content.

On the one hand these developments pose challenges to industry efforts to give users effective parental empowerment tools to protect children from inappropriate content. Conversely, because of the power and flexibility of information communications technologies multimedia convergence presents an incredible opportunity for the industry to develop intuitive, flexible and powerful parental control solutions that parents can use.

### **The Challenge of Multimedia Convergence**

As it becomes easier to host, distribute, and access video content online, filters will have to evolve to keep up. Until just recently Internet content was limited to HTML-wrapped text and static images. While Internet video has been a concern for parents for some time now, online video always seemed inextricably bound to its World Wide Web text platform, and easily filtered by software tools. The multimedia Internet of tomorrow will very likely contain the same content as mass media networks. Even today, video content produced for network

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<sup>12</sup> Pew Report at 10.

<sup>13</sup> Pew Report at 11.

<sup>14</sup> The "Final Report of the COPA Commission," released on October 20, 2000, is available online in HTML format at <http://www.copacommission.org/report/> and in PDF format at <http://www.copacommission.org/report/COPAreport.pdf>.

television is available for viewing on Apple iTunes and Google Video. Further, the Internet is starting to become the dominant ecommerce distribution mechanism for popular music.

A substantial amount of the multimedia content coming online lacks basic ratings information that would otherwise be present if delivered through traditional channels (e.g. broadcast, cable TV, satellite TV, DVD, VHS, compact disc, etc.). Ratings information, embedded digitally into the content, would be invaluable in developing powerful and flexible content control tools for the age of multimedia convergence. Internet filtering tools of tomorrow could sort PG-rated content from G-rated content by reading the embedded digital ratings information. This is the type nuanced content controls parents will want and need.

Further complicating matters is the distribution of non-traditional multimedia over wireless networks and the Internet. While mainstream media firms are starting to move their movie, television and music content online, the Internet is awash in new multimedia content that is sprouting from a myriad content producers using readily-available and low cost digital tools. Increasingly available and robust broadband connections to homes and businesses will also fuel the explosion of non-traditional content flowing online.

Eventually parents will demand that they have the same ability to control their children's access to the multimedia content online as they do the content from their television, DVD player, local cinema, or record store. The COPA Commission was prescient in recommending in its report to Congress in 2000 that "as we move forward, it is important that technologies to protect children reflect next-generation Internet systems and the convergence of old and new media."<sup>15</sup>

## **The Opportunity**

These challenges can be met and the possibilities for parental controls in the multimedia Internet of tomorrow are truly breathtaking. The smart devices connected to the Internet are capable of performing any number of complex tasks given the proper information. A former Federal Communications Commission Chairman once famously quipped that a television set is nothing more than a toaster with pictures. With respect to the intelligence built into the device itself, the metaphor may not be far off when compared with computers or other similar multimedia devices.

It is difficult to stand here today and ponder the innovations of tomorrow that provide parents intuitive and flexible parental control tools that help them meet the challenges of parenting in the digital age. Yet we believe that by working together with industry at all levels to developing some voluntary industry best practices and technical guidelines, the content, software and technology industries can meet this challenge and create framework to help empower parents as we hurtle towards convergence.

## **Next Steps**

To meet these challenges and seize these opportunities IEF is convening a working group of leading thinkers, family advocates, consumer groups, and technologists to explore practical solutions for promoting parental empowerment as multimedia platforms converge. During a

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<sup>15</sup> See Final Report of the COPA Commission, at 39.

full-day discussion on February 17, 2006, IEF will bring together members of its GetNetWise Advisory Board to help explore the issues related to multimedia convergence and parental empowerment. A select group of experts in various fields will be asked to attend and comment on different social, technical and policy issues. We believe that this is an important undertaking and necessary to assure that parental control technologies of tomorrow meet parents' needs.

This is an important time because we are just moments ahead of the curve on this issue. The project that we are starting will require the participation of content producers, software developers, information intermediaries, broadband providers and parents themselves. Our goals in promoting a solutions-oriented discussion on Multimedia Convergence and Parental Controls are three-fold.

First and foremost, we want to assist parents in making informed and nuanced decisions about the multimedia content their children access whether it comes over the air, down from a satellite, over a broadband connection, or through a mobile entertainment device.

Second, we want to develop strategies to help assure that multimedia content includes appropriate ratings information and that distribution intermediaries are able to interpret the information and display it — ultimately enabling access control for underage users.

Third, we want to help educate parents how to understand the various ratings schemes so that they can make informed decisions about what content they will let their child access.