

Free Expression in Cyberspace

Chapter 2
Cases 2.1 through 2.7
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Second Edition



Case 2.1 – CHIPA & Case 2.2 – Multnomah Public Library et.al. vs. U.S.

Overview and Study Questions



Case 2.1 - CHIPA & Case 2.2 - Multnomah Public Library et.al. vs. U.S.

- Overview
 - The U.S. Congress is worried about Internet pornography and it recently passed CHIPA to help prevent children from being exposed to dangerous material. Both of these cases provide the opportunity to discuss a highly controversial issue: the legitimacy and efficacy of filtering, i.e., the blocking of pornographic web sites.



Cases 2.1 & 2.2 – Study Questions

- Write a policy analysis of the Children's Internet Protection Act (CHIPA) of 2000.
- Do you agree with the main elements of the Multnomah lawsuit? Should CHIPA be declared unconstitutional?
- Can the U.S. law handle filtering in a way that is consistent with the First Amendment of the Constitution?



Cases 2.1 & 2.2 – Study Questions



- Should the U.S. government regulate the Internet in order to protect children and minors from pornographic material? Is CHIPA sound government policy?

Case 2.3 – Censorship at New England University

Overview and Study Questions



Case 2.3 - Censorship at New England University



- Overview
 - This case considers the antics of some young men who download pornographic images on to workstations in a computer lab so that unsuspecting students will be forced to view them. The school decides to filter out pornographic newsgroups from its Internet connection, but this meets with widespread disapproval.

Case 2.3 – Study Questions



- Discuss the costs and benefits of Internet censorship, especially in an educational environment.
- What is at stake for New England University as it grapples with this decision?
- What is your recommended action plan?

Case 2.4 – Jake Baker

Overview and Study Questions



Case 2.4 – Study Questions



- Summarize objectively the salient facts of this celebrated case. What are the ethical principles at stake here?
- Do you agree with the Judge's remarks about Baker?
- What is your conclusion about the case. Is Baker legally culpable of any wrongdoing?

Case 2.4 – Study Questions

- What are likely to be the broader consequences of this case?



Case 2.5 – Encryption Source Code and the First Amendment

Overview and Study Questions



Case 2.5 – Study Questions



- What are the basic facts and issues in this case.
- What are the arguments supporting the claim that encryption source code should be regarded as speech? Are there any valid arguments that support the opposite point of view?

Case 2.5 – Study Questions



- What are the implications of accepting encryption code as a form of expression, fully protected by the First Amendment?

Case 2.6 – CompuServe Deutschland

Overview and Study Questions



Case 2.6 – CompuServe Deutschland



- Overview
 - This case study provides the opportunity to discuss content control (through imposition of local law) exercised by Germany on a U.S. company along with questions about proper jurisdiction.

Case – Study Questions



- Provide an overview of the jurisdictional issues in this case -- should Germany have any legal authority over CompuServe, a company headquartered in America?
- Was this case decided correctly? If not, what should the outcome have been?

Case 2.7 – Veil of Censorship

Overview and Study Questions



Case 2.7 – Veil of Censorship



- Overview
 - The Saudi government's use of this software is a classic example of content control for ideology on a broad scale. The Saudi government considers unfettered content to be a problem. Students can debate whether its local cultural values should be protected in this fashion.

Case 2.7 – Study Questions



- Is there anything morally wrong with selling filtering software to be deployed in Saudi Arabia for the purpose of comprehensive government censorship? Which ethical principles (see Chapter One) might be apposite here?
- If you were an executive at this company would you agree to this sale?

Case 2.7 – Study Questions



- How would you assess the behavior of the Saudi government? Are you sympathetic with their objective of protecting their local culture from the intrusion of the global Internet?