# Memo

**To**: White House Domestic Policy Council

**From**: Michael Plasmeier, Jacob Hurwitz, Paul Quimby, Ben Barenblat, David Lawrence

**Subject**: Agenda 2013 Recommendations

The Internet has revolutionized communications. The Internet is one best mediums for freedom of speech ever invented. It has made vast amounts of material available all to listeners over the world. However, the openness of the Internet makes it relatively easy for children to access content which is oriented towards adults. It has also given children a more effective platform for children to bully each other.

In order to address the problem of children having access to adult materials, we propose a new type of filtering software based on 21st century technology. We propose establishing a system which requires adult content providers to “tag” their content as adult content. In addition, we propose the Government fund the creation of a list of adult websites who do not comply with the tagging requirement. We then proposing having the government issue an RFP to fund the creation of a browser add-on which would block tagged and listed content, should a user choose to install it.

To address cyberbullying we suggest additional education aimed at educators and parents about cyberbullying: what is it, how to notice signs, and how to address it.

## Adult Content: Tagging

Existing proposals for providers of adult content to prevent access by children have run into problems. Many potential solutions have been discarded either because they were ineffective, violated the user’s privacy or both.

We advocate adopting the “tag and flag” approach suggested by the Online Safety and Technology Work Group's report titled “Youth Safety on a Living Internet.” We propose requiring providers of adult-content to “tag” their content as adult content. The government should set up a technical working group to establish specific technical requirements, but one early suggestion is to add a “X-Adult-Content: Pornography” line to the HTTP header of each page of adult content.

Congress should pass a law enacting penalties on providers of adult content who do not properly tag their content. The requirement that adult providers tag their material as such has never been tested in Court. However, the courts have found that Congress has the power to set laws that guide freedom of speech - for example requiring permits before protests, setting noise limits, and enacting zoning requirements limiting commercial speech.

We believe this is the least-restrictive way for the Government to protect children from adult content. This tag would be invisible to most users, unless they are using special software programmed to look for the tag. Adding a HTTP header is not technically difficult or expensive. Most existing server software allows the addition of a tag with a one line change in the server’s configuration file. There should be a safe-harbor an exemption for content providers who are unaware of the nature of the material uploaded to their platform.

Although international providers of adult materials could still tag their materials, they would not be required to do so. Instead, the Government should issue an RFP to an organization to maintain a list of un-tagged adult material. Any person may submit a URL to the list maintainer for consideration of inclusion onto the list. An employee of the organization would then review the website for the presence of adult content and the lack of literary, artistic, political, or scientific value for minors. Any person or browser could query the list for the presence of a URL or download the entire list. The organization would be required to set up an appeal process where website owners can get their sites removed from the list if they no longer contain adult content.

**Adult Content: Filtering**

The Government would encourage browser and mobile application manufactures to allow a user to block all content either flagged or on a list. More immediately, the Government would award a grant to a US-based organization to produce add-ons for common Internet browsers that would block flagged and listed content. The add-ons would be freely available and open-source. Other persons or organizations would also be free to set up lists of their own.

Looking for the flag or checking websites against the list is totally optional. When deciding *Reno v. ACLU*, the Supreme Court cited the potential development of effective and non-intrusive filtering measures as one of the motivating factors in its decision. In *Ashcroft v. American Civil Liberties Union,*  the Court again found that filters were a less restrictive means of blocking material. The Court also identified some problems with filters, namely inexactness and cost. This proposal addresses the problems by funding the development of a human-curated list of sites. By having the government fund the development of a browser-add on, the Government would address the problem of cost. Having adult providers tag their content as such would the least restrictive way for the government to achieve its objective.

This plan should be popular with both parents who want their kids protected, parents who want more control, as well as the adult-content industry. Those who want to block content from children can enable free filters, those who want to access to the material can leave the filters off. The adult industry can place the accidental access question behind them by making a quick change to their server configuration. Existing filtering software manufactures would still have a place in the market by offering additional features such as keyword blocking or skin tone analysis. There is a risk that the list may be misunderstood. However, devices should continue being able to access that content. Content will only be blocked if a user or the machine owner takes an affirmative step to do so.

## Cyberbullying

Responding to bullying on the playground has traditionally been a responsibility of teachers. With the advent of the internet, bullying now occurs in different and more technically sophisticated ways. It is incredibly important that educators remain aware of the current risks facing today’s youth as increased online interaction with peers, mass distribution of youth-authored content, and limited-visibility communication becomes more common.

We recommend that the Department of Education produce a curriculum for K-12 school districts to include training on cyberbullying in professional development activities. It is critical that existing support systems for students in schools and mandatory reporters are aware of the ways that more traditional harmful behavior can extend into cyberactivity. Educators should understand what cyberbullying is and the methods children have used in the past. Educators should know how to look for the signs of cyberbullying and how those may differ from traditional bullying. Educators should also know how the tools available to them to investigate and stop cyberbulling. Educators should be able to teach children how to stand up to and report cyberbulling.

Education should not stop with teachers. Parents should also be aware of the signs of cyberbullying and how to talk with their children about it. The Department of Education should collaborate with OnGuardOnline.gov to improve the depth of the materials available on the site.

In order to launch the initiative and draw attention to the new curriculum and website section, the President could hold a press conference at a local elementary school.