



Opinion

MySpace: Protecting Kids Online

Christopher Wolf 04.25.06, 5:00 PM ET

MySpace.com is the online social networking Web site that has become a phenomenon among kids. Anybody hoping to be cool has a MySpace profile page (or one on one of its competitors' sites, like Facebook.com).

But some of those cool kids have used their 15 megabits of fame to post risqué pictures and to feature racist, misogynistic, homophobic and anti-Semitic content. Some have even used the medium to plot a copycat Columbine attack--a horror that recently was averted because of the safety mechanisms MySpace, a unit of News Corp., has built into its service allowing quick responses to threats of harm.

To deal with the problem generally, MySpace.com appointed a chief security officer and has removed 200,000 profiles deemed "objectionable," hoping to reassure parents and advertisers about the safety of the site. The move is timely, as parents, educators and community leaders are becoming increasingly concerned about kids' use of the service.

Some fear that online predators will target kids who have posted raunchy material. The recent revelation about a high government official allegedly surfing for 14-year-old girls has heightened the concern. Several state attorneys general already are looking into the online service. Even worse, from a business standpoint, MySpace faces a possible loss of advertisers because of objectionable content.

So, the move by MySpace to self-regulate is smart. It will help reassure parents and government officials, and it should go far to convince advertisers that its service is safe to associate with. Such self-regulation also is in the best traditions of the First Amendment and is one of the most effective ways to deal with protected but objectionable content on the Internet.

If someone were to sue MySpace to force it to take down racy (but not pornographic) pictures or to remove hate-filled diatribes, the First Amendment likely would prevent such legal actions from proceeding. While online predators can be prosecuted, trying to eliminate postings that entice them is futile. And if hate speech contains true threats, then maybe it could be removed (and the author perhaps could be prosecuted), but hate speech rising to that level is the exception. Most hate speech online consists simply of rants and lies.

In countries without constitutionally protected free speech, authorities do in fact use laws to censor hate speech, with limited effect. A troublesome aspect of such censorship is having the government decide what is and is not permissible speech. For Americans steeped in the First Amendment tradition, we are willing to permit speech we hate (and to counter it with our own speech), rather than delegate to the government the role of censor.

Industry self-regulation, with companies responding to feedback from parents and advertisers, is an effective means of dealing with offensive but legal online content. The marketplace of ideas includes the right of vendors such as MySpace to decide what they will offer, taking into consideration the wishes and concerns of consumers (and their parents). More online companies should step up to the line as MySpace has.

Unfortunately, a move is afoot to give the Federal Communications Commission the authority to rule on whether content restrictions run afoul of so-called "network neutrality." A kid whose site is blocked conceivably could petition the FCC to impose a fine for what MySpace has done.

In the name of "access to the full Internet"--which is the impetus behind the move to empower the FCC--we should not change the situation we have today, in which Internet actors and market forces are producing a result--a safer and more decent MySpace--that is good for everyone.

Christopher Wolf, a litigation partner at Proskauer Rose LLP, is chairman of the International Network Against Cyber-Hate and the Internet Task Force of the Anti-Defamation League and co-chairman with former White House Press Secretary Mike McCurry of a public policy coalition called "Hands Off the Internet."