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## **A crusade for morality : status politics and Internet filtering legislation**

Sueanne M. Plaksin  
*University of Tennessee*

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To the Graduate Council:

I am submitting herewith a thesis written by Sueanne M. Plaksin entitled "A crusade for morality : status politics and Internet filtering legislation." I have examined the final electronic copy of this thesis for form and content and recommend that it be accepted in partial fulfillment of the requirements for the degree of Master of Science, with a major in Information Sciences.

Nevin Douglas Raber, Major Professor

We have read this thesis and recommend its acceptance:

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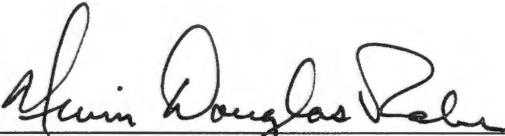
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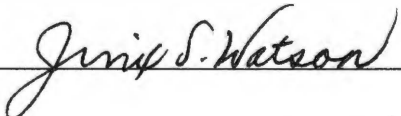
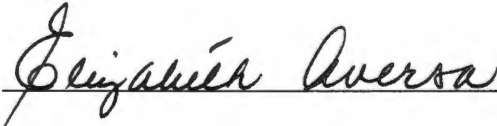
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**A Crusade for Morality:  
Status Politics and Internet Filtering Legislation**

**A Thesis  
Presented for the  
Master of Science  
Degree  
The University of Tennessee, Knoxville**

**Sueanne M. Plaksin  
August 2002**

Thesis  
2002  
.P53

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## **DEDICATION**

I dedicate this work to my parents, Dennis and Jean McDonnell, who fostered my information seeking skills at a very early age. When I asked them a meaning of a word, or the origin of a particular fact, their usual response to me was (and still is) “Go look it up.”

## ACKNOWLEDGMENTS

I wish to thank all of those who helped me in completing my Master of Science in Library and Information Science. I thank my parents, Dennis and Jean McDonnell, my first teachers, who have given me the gift of a formal education. Their constant love and support have helped me stay the course throughout my educational pursuits.

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## **ABSTRACT**

This thesis demonstrates that particular interest groups supporting the limiting and restricting of patron access on Internet terminals in public libraries is motivated by a desire to maintain their dominant cultural hegemony. These groups, identified in this work as “Crusaders” are seeking to pass federal legislation that would require that public libraries install Internet filtering software on public terminals or forfeit federal funding provided through the e-rate subsidy. The importance of such a law is not its instrumental value, but its symbolic value.

The sociological theory known as status politics supplies the theoretical basis for this thesis. Briefly, status politics argues that laws serve a symbolic function in society. The laws of a society not only apply order to human behavior, but also reflect the values and beliefs of societal culture. Those who have the power to establish laws also have the power to impose their ideological beliefs and values on the general public. Those who have legislative power see their status and prestige reflected in the laws they establish.

By applying Kenneth Burke’s five elements of dramaturgical analysis to Crusader testimony given in the Communications Decency Act of 1996, the Child Online Protection Act of 1998, and the Children’s Internet Protection Act of 1999, the strategies employed on the part of Crusaders to pass such legislation are revealed. This analysis shows the techniques employed by the Crusaders to convince their audience that Internet filtering laws must be established. This thesis shows that Crusader attempts to pass Internet filtering legislation is an example of status politics.



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## **CHAPTER 1 OVERVIEW**

Restricting and limiting patron Internet access is one of the most recent and significant controversies facing public libraries today. There is mounting support on the part of many interest groups for a federal mandate to force libraries to install Internet filtering software on their terminals. There are also a significant number of groups that oppose such legislation.

Groups that favor limiting and restricting access to certain Internet content argue that much of the material on the Internet is harmful, particularly to children, and contributes to the decay of American morality and culture. Enough is Enough is particularly vocal on this issue. Their mission states: “Millions of homes, schools, and public libraries are now connected to the Internet, facilitating the fastest spread of the most dangerous pornography known to our society” (Enough is Enough, 2001).

Those opposed to filtering Internet access feel that it is a violation of free, protected speech and constitutes unconstitutional censorship. The Center for Democracy and Technology (CDT) has had members of its organization testify against filtering laws in many cases. Their mission states:

The Center for Democracy and Technology works to promote democratic values and constitutional liberties in the digital age...CDT seeks practical solutions to enhance free expression and privacy in global communications technologies. CDT is dedicated to building consensus among all parties interested in the future of the Internet and other new forms of communications media (Center for Democracy and Technology, 2001).

Those who oppose filtering legislation argue that even when applied, filtering software is ineffective and restricts access to appropriate, protected material. Another anti-filtering group, the Electronic Frontier Foundation reports:

Filtering software is currently abysmally ineffective and damaging to the educational process, blocking out many materials that children should be able to see (including groups that do not share the same political philosophy as the filtering software manufacturer), and not effectively blocking materials that are legally obscene, child pornography or harmful to minors in a given local community (Electronic Frontier Foundation, 2001).

On the surface, this controversy appears to center around pornographic material. However, the argument over what is considered pornography quickly expands to material that is considered obscene, harmful, and prurient. Ultimately the concern is not simply the issue of pornographic material, but what is considered immoral, unnatural, and devoid of cultural, intellectual, or artistic value. Take as an example the following excerpt from one of the Family Friendly Libraries documents. The Family Friendly Libraries (FLL) organization aims to rid public libraries of any “pro-homosexual” material. The American Library Association (ALA) is the FFL’s chief target.

[G]ay publishers continue to sell pro-gay-agenda children and teen books at a greater pace than conservative counter attempts on the subject of homosexuality. Free distribution of gay “throwaway” publications have [sic] also increased in metropolitan library systems. Library displays celebrating gay living and featuring gay celebrities have increased. Openly gay organizations and pedophile organizations have been welcomed into tax-funded library buildings for their meetings and social events. The primary pusher of this phenomenon is the American Library Association. The closer a library system affiliates itself with the ALA, the more

likely it is to promote the gay lifestyle in a positive, non-critical manner (Gounaud, 1995a).

This perspective reflects a continuing battle over morality, values, authority, and prestige. It signifies a social movement where one group competes for the power to impose its values and morality over another. This type of movement is known as status politics.

Sociologist Joseph Gusfield introduced the theory of status politics in his work, *The Symbolic Crusade: Status Politics and the American Temperance Movement*. As the title suggests, Gusfield focused on the American Temperance Movement of the late 19<sup>th</sup> and early 20<sup>th</sup> centuries to show how a small, yet politically organized and active group can use their political power to legitimize their moral views over others in their society through law. During this period, the White Anglo-Saxon Protestant middle class felt its social prestige and powers waning. Their values were no longer reflected in the country. They felt that this was due to the growing masses of non-European, non-Protestant immigrants in America. American culture was changing to reflect the traditions, values and norms of others. A social and political movement began to demoralize, demonize, and ultimately criminalize the behavior of immigrant values and behavior through temperance legislation. These members of the American middle class became crusaders to rescue American culture from drunken sin and debauchery. Prohibition became their crusade.

This thesis demonstrates that current Internet filtering legislation is an example of status politics and is the new crusade of the 21<sup>st</sup> century. This is achieved this by analyzing Congressional testimony given by the crusaders in three separate hearings: The Communications Decency Act (CDA) of 1995, the Child Online Protection Act (COPA) of 1998, and Child Internet Protection Act (CIPA) of 1999.

Chapter 2 is an in-depth discussion of status politics. It covers the dual nature of law, what constitutes a crusade and a crusader, the two methods of reform crusaders use to maintain their prestige, and the three ways in which crusaders view their opponents. This chapter provides a comprehensive explanation of status politics as a social movement.

Chapter 3 discusses the primary interest groups involved in Internet filtering legislation. This chapter distinguishes a “crusader” from a “Crusader.” The former applies to Gusfield’s general use of the term; the latter is the name used in this thesis to identify the aggregate comprising all groups directly involved in the campaign to limit and restrict Internet access in public libraries. This discussion includes a brief history of each group, and the political and social roles they play. This section also reveals their values, concept of morality, worldviews and the threat these groups perceive to their authority.

Chapter 4 discusses the methodological approach used to analyze the testimony. The analysis is based on Kenneth Burke’s five keys to Dramatism (Burke, 1989:11). These keys, known as the *pentad*, examine the “Who,”

“What,” “Where,” “Why,” and “How” of a narrative. The rhetorical strategies of the narrative are uncovered by applying these elements. This reveals the motives behind the testimony.

Chapter 5 provides the legislative history of the Communications Decency Act, the Child Online Protection Act and the Children’s Internet Protection Act. It outlines the basic provisions of each act and discusses subsequent court rulings.

Chapter 6 analyzes the testimony. Three different strategies the Crusaders use to compel their audience to accept their argument are identified. This analysis also discusses the Crusaders’ evolution as an organized political force. The strategies employed and the type of witnesses called by the Crusaders change significantly from hearing to hearing, revealing a strengthening of group identity and a deeper specification of goals. Chapter 6 ends with a discussion on the ways in which this work applies to the library profession.

Chapter 7 summarizes the theoretical and methodological approaches used to analyze the testimony and summarizes the structure of the Crusader dynamic, a demonstration that Internet filtering legislation is a case for status politics, and recommendations for further research.

## CHAPTER 2 STATUS POLITICS

Status politics is characterized by the struggle of one group to maintain its cultural dominance over another. Society's values, norms and mores are found in its culture. The debate itself signifies the competition between different groups to gain dominant cultural status—the spoils of which are the power to define what is right and wrong, moral and immoral in American society. One group's values are challenged and defeated; another group's values and ideology become the norm, leaving the latter the victor and with the power to define morality for the public at large (Gusfield, 1986).

There are several different motivators for change in a society—economics, war, natural catastrophe, revolution and civil unrest, among others. Often these changes are abrupt and violent—a result of an acute injustice or chronic malady that has reached its breaking point. Some changes, however, emerge slowly. In this case, challenges to dominant ideologies are made without violence but are no less significant to societal change. Gusfield explains:

Social Systems and cultures die slowly, leaving their rear guards behind to fight delaying action. Even after they have ceased to be relevant in economic groups, the old middle classes of America are still searching for some way to restore a sense of lost respect. The dishonoring of their values is a part of the process of cultural and social change (Gusfield, 1986:9).

One of the ways in which values and ideologies are contested is in the arena of law. Laws are not only a formal way of communicating values to the public but they are also an authoritative way of legitimating values as well. The



values and norms of the individuals (or groups of individuals) who make laws are reflected and transmitted in the laws themselves. To compose a law is to make a value judgment; to enforce that law is to formally and legitimately assert that value judgment over others. Competition and debate in the legislative arena often demonstrate the struggle for the power to define a values system (Gusfield, 1986:9-11).

In some instances, laws are important for what they represent, rather than what they do. As we shall see, the implementation of filtering on *all* Internet terminals accessed by children in *all* schools and public libraries that receive federal funding is, on a practical level, nearly impossible. However, the fact that some information is deemed unfit for children to see, hear, or read and that the transmission of such information is now blocked in public libraries and schools represents a huge victory for those who sought that such a law be passed. The importance here is, *whose* law has passed and *whose* law is being broken. To lose a legislative battle is to lose the power to impose the constructs of morality over other members of society.

Issues, which seem foolish or impractical items, are often important for what they symbolize about the style of culture, which is being recognized or derogated. Being acts of deference or degradation, the individual finds in governmental action that his own perceptions of his status in the society are confirmed or rejected (Gusfield, 1986:11).

When a particular individual or groups of individuals feel that their values are being threatened and they attempt to protect their belief system, prestige and

status hold in society, the moral crusader is born. The term moral crusader “refers to people who play the role of activist in a social movement aimed at fighting an evil they perceive to exist in society”(Victor, 1994:309). Often, this “evil” is the competing culture’s ideology. The crusade then, is against those who pose a serious threat to the crusaders way of life. When this crusade is played out in the legislative arena, it is called status politics (Gusfield, 1986).

According to Gusfield, status politics is characterized as a “political conflict over the allocation of prestige”. Status politics emphasizes the non-economic motivators in social and political struggles (Gusfield, 1986:18). In status politics, the goal in a conflict is to maintain social status and ideological dominance. This goal is achieved through the making and enforcement of laws. The creation and enforcement of laws have several effects on the way groups behave and interact with each other. Members of society either conform to or reject these laws. Those who do not conform to these laws are deviant. Treatment of deviant behavior results in two reactions from those making the laws. One of two types of reform is sought by the dominant, law-making group: assimilative or coercive reform. The type of reform used to control deviant behavior depends on the level of perceived threat to the dominant culture and how the challenger internalizes and identifies with his deviant label. In order to understand these types of reform, it is necessary to distinguish between two functions of law.

## INSTRUMENTAL AND SYMBOLIC FUNCTIONS OF LAW

Laws are instrumental and symbolic in nature (Gusfield, 1996).

Instrumental laws exist so that societal order is maintained. They are, for the most part, accepted as a part of societal life and go unchallenged as publicly accepted societal norms. Instrumental laws have a “direct influence on the actions of the people.” That is, prescribed sanctions are imposed on those who violate the law. For example, speed limits are established to control driving behavior so that roads are safe for drivers and pedestrians. If a driver is caught breaking a speed limit, she is sanctioned in the form of a hefty fine. Instrumental laws exist to be enforced. The function lies in the enforcement of the law; “unenforced they have little effect” (Gusfield, 1996:171).

The value of an instrumental law lies in its protection of the basic civil rights people assume that are granted simply because they live in a society. That is, people assume certain protections against certain actions. For example, a robber makes restitution to the community for his crime by serving a prison sentence. Instrumental laws reflect the basic tenants of communal or societal life. They are often heavily enforced and in most cases. Violators who are caught face a structured program of consequences and sanctions. There are, no doubt, those who do get away with murder. But this is a debate for another time. The point is that most people who are caught committing a crime do face some sort of legal action in the criminal justice system of this country.

A symbolic law does not depend on enforcement of the law. The fact that it exists as a law is a function in and of itself. "There is a dimension of meaning in symbolic behavior which is not given in its immediate manifest significance but in what the action connotes for the audience it views" (Gusfield, 1996:171). The law violator thus becomes a defining agent for the group that views him as deviant. He behaves in such a way that we do not, therefore he is not part of our group. Gusfield continues, "an action of a governmental agent takes on symbolic import as it affects the designation of public norms.... a legislative act is a gesture which often glorifies the values of one group and demeans those of another" (1996:171). Sodomy laws are an excellent example of the symbolic function of law. Sodomy laws do not exist to be enforced, they exist to demean. One who is identified, as a sodomizer is "immoral", "disgusting" and "sick." Judgments are placed on the individual (or group). His (their) character, status, and prestige are suspect.

Symbolic laws, though enforceable, do not exist necessarily to be enforced; they exist to demonstrate that, according to those who make the laws, certain actions, behaviors, and belief systems are wrong, immoral, and depraved. They exist to reflect the power and belief system of the dominant culture in a society. In the case of Internet filtering legislation, the Crusaders' goal is to restrict patron Internet access in libraries to any material that does not embrace "traditional family values". Any other material is regarded as "harmful" and should be censored. The actual access of "harmful" material is secondary. The

victory for the Crusader is to have what it sees as immoral reflected in American law.

This is where the conflict over the power to define societal norms and values lies. Unlike instrumental functions of laws, symbolic functions can be subverted or outright violated, and the law itself is not easy to implement. The deviant may go unpunished, but the importance is that the violator is perceived as a deviant. Gusfield explains this systematic evasion of norms, occurring “when laws proscribe behavior which nevertheless occurs in a recurrent socially organized manner and is seldom punished” (Gusfield, 1996:172). This systematic evasion functions “to minimize conflicts between cultures by utilizing law to proclaim one set of norms as public morality and use another set of norms in actually controlling the behavior” (Gusfield, 1996:173).

Such is the case with Internet filtering legislation. The actual *control* of behavior is not at issue. The flow of information is the issue. The Crusaders believe that certain material must be kept away from children because it is harmful to them. Here a judgment is being made on what material is considered obscene, for whom and why. Creating a law that defines certain material harmful to children implies that this material is “wrong.” The Crusaders are then able to impose their moral judgments through law on those members of society who access information via the Internet regardless of whether the law is instrumentally applied. This ensures that material that is deemed offensive, obscene, or harmful

by the Crusaders is blocked, filtered, or otherwise restricted from the general public.

### **ASSIMILATIVE AND COERCIVE REFORM**

Public reaction to law is a key component to the examination of the symbolic function of law. It is the measuring rod by which a group is able to monitor and maintain its dominant value system over others. Society at large can either reject or affirm a law. Gusfield notes several different public reactions to law. These reactions reflect the legitimacy (or lack thereof) of the law-making groups' societal status:

- 1) The act of public affirmation of a norm often persuades listeners that the behavior and norm are consistent.
- 2) Public affirmation of a moral norm directs the major institutions of society to its support.
- 3) Affirmation through acts of law and government express the public worth of one set of norms on one subculture vis-à-vis those of others. It demonstrates which cultures have legitimacy and public domination, and which do not. Accordingly it enhances the social status of groups carrying the affirmed culture and degrades groups carrying that which is condemned as deviant (Gusfield, 1996:173).

A given portion or portions of the public can also reject a societal norm. Such rejections are reflected in Gusfield's examination of the different labels placed on deviants. The rejection, as well as the affirmation, of societal norms evokes different reactions in the law-maker group. Gusfield notes two reactions, assimilative and coercive reform (Gusfield, 1996). Assimilative reform is a tactic used by the dominant group when the group feels no threat from the violators of their norms. Here, deviants are to be helped rather than punished. Behavior of

this type results in attempts to save the less fortunate violator. The role that the lawmaker group takes toward the deviant is one of nurturer and caretaker. Often, the deviant is believed to be sick and in need of a cure, or lost and needs to be guided back to the straight and narrow path. The violator can be saved from his deviant ways and reconciled back into the community.

Coercive reform is the stance taken when the dominant group feels threatened by the violator. This results in attempts to pass laws that regulate and punish the behaviors of the deviants. During a period of coercive reform, deviants are not perceived as sick and in need of help or guidance; they are perceived as evil and enemies of the cultural norms and values expressed by the dominant group. Those who feel their values are threatened take on the role of a crusader. The crusaders are now not out to save the violators, but to save their perceived status as moral providers for society. They attempt to become the judges and enforcers of culture. Such sentiments are reflected in the following statement from the Enough is Enough website:

The First Amendment does not protect slander, false advertising, or perjury. It also does not protect obscenity and child pornography. Obscenity was illegal under libel laws in nearly every state when the First Amendment was ratified, and it is illegal today. It is up to us, the *cultural environmentalists*, to dispel the concept that obscenity and child pornography are classified as rights of free expression [Emphasis added to original.] (Enough is Enough, 1999).

Clearly, the battle over Internet filtering is a response born out of the crusaders' attempts to coercively reform the groups comprising the

competing culture. These groups have assumed the role of the “enemy deviant” in the eyes of the crusaders (Gusfield, 1996:176). The following section discusses the different ways in which the deviant responds to societal norms and the ways in which the dominant culture responds to the deviant.

### TYPES OF DEVIANCE

Gusfield outlines different ways in which the crusaders perceive the deviant. Different labels evoke different reactions on the part of both the crusaders and deviant. These labels indicate the level of acceptance of the established norm on the part of the deviant and the political force the established group has in keeping its norms enforced. Crusaders respond to the repentant deviant and the sick deviant through assimilative reform. Crusaders respond to the enemy deviant through coercive reform.

#### *The Repentant Deviant*

A norm violator (lawbreaker) is considered a repentant deviant when there is agreement between the deviant and the definers of norms (lawmakers) that his actions violated an established norm. The legitimacy of the norms or moral fiber of the politically dominant group is not challenged. The deviant concedes that he has wronged, and accepts the sanction imposed on him as a result of his violating behavior. Additionally, “the open admission of repentance confirms the sinner’s belief in the sin. His threat to the norm is removed and his violation has left the norm intact” (Gusfield, 1996:175).



### ***The Sick Deviant***

Gusfield states that “acts which we can perceive as those of sick and diseased people are irrelevant to the norm; they neither attack nor defend it.” Gusfield continues, “He [the sick deviant] has now become an object of welfare, a person to be helped rather than punished. Hostile sentiments toward sick people are not legitimate. The sick person is not responsible for his acts” (1996:175). The sick individual is “excused from the consequences” that healthy individuals encounter in norm violation. Gusfield argues further that those behaviors labeled deviant change over time “ ‘Illness’ is a social designation, by no means given in the nature of medical fact....Hence, the effort to define a practice as a consequence of illness is itself a matter of conflict and political issue” (1996:176). Take, for example, the way in which homosexuality has been perceived in contemporary American history. Homosexuality has been perceived as a sickness, a crime, and an alternative lifestyle at different times in American culture. Tolerance for and treatment of homosexual behavior has changed along with the perception of homosexuality. The growing political force and increase in cultural legitimacy of the homosexual community has contributed to this change (Conrad and Schneider, 1985:172-214).

### ***The Enemy Deviant***

Political mobilization such as that mentioned above changes the perception of those who feel their values and norms being challenged. When the dominant group perceives a threat to their norms, values, and political power, the

deviant becomes an enemy. Here, the “publicly defined deviant is neither repentant nor sick” but rather refuses to accept the value system of the dominant group. The deviant “accepts his behavior as proper and derogates the public norm as illegitimate” (Gusfield, 1996:176).

The enemy deviant causes the crusader to seek coercive reform. Since the enemy deviant does not perceive his values as perverse, or wrong, he is not repentant. He takes a stand against a culture he feels is irrelevant to him. He is not sick. The enemy deviant challenges the status of the crusader; he seeks to attain his own cultural influence on society. In this instance, the crusader sees the only recourse to quell the threat to his legitimacy is through law. A campaign begins to demonize and criminalize the enemy deviant’s behavior. The crusader mounts a political offense that seeks to pass a law that embodies the crusader worldview and culture. The goal is to marginalize the enemy deviant culture. Only then will the threat to their cultural hegemony be relieved and their prestige and status remain intact.

The Communications Decency Act, the Child Online Protection Act, the Children’s Internet Protection Act and the current revision of Crusader legislation, the Child Internet Protection Act are the manifestations of the crusade for “traditional family values.” Crusaders see groups such as the American Library Association, the Center for Democracy and Technology, The Electronic Frontier Foundation and other interest groups who oppose limited and restricted Internet access as the enemy. They are threatening the moral fiber of American society

and culture. They encourage the pollution of young minds. They seek to pass laws that reflect their values and morality.

Chapter 2 investigates some of the interests groups that comprise the Crusaders in this campaign. The missions and principles these groups state in their charters demonstrate the threat they perceive to their worldview. Chapter 2 also introduces the ways in which these groups use notions of Free Speech and Democracy to support their arguments.

## CHAPTER 3 CRUSADER IDENTITY

### THE CRUSADERS

Until now “crusader” was used to refer to describe those members of a social group who felt their prestige and status and cultural authority threatened by other groups in society. Here, the term “Crusader” is assigned to those who are specifically involved in Internet filtering legislation. The Crusaders are the instigators of such legislation. The purpose of this chapter is to show how cultural constructs such as Civil Rights, Free Speech, and Democracy are defined and used to support the Crusader argument. Both the Crusaders and their opponents claim to be the champions of these values while arguing the other side does not hold these ideals sacred. Take as an example the differences between the representations of the First Amendment between a member of the Crusaders, Family Friendly Libraries, and the “deviant” Peacefire.org. In the quotes below, each group interprets the First Amendment support their argument. In the case of Family Friendly Libraries, they emphasize that groups are free to express grievances; in the case of Peacefire.org, the message is quite clear that censorship destroys the meaning and spirit of the First Amendment.

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or of the right of the people peaceably to assemble; **and to petition the Government for a redress of grievances** [emphasis in original] (Family Friendly Libraries, 2000c).

"Congress shall make no law abridging the freedom of speech, or the right of the people peaceably to assemble, and to petition the government for a redress of grievances."

-- Marc Rotenberg (Peacefire.org, 2002).

Family Friendly Libraries (FFL) is one of the key components of the Crusader cause. While not represented in the Congressional hearings, Family Friendly Libraries has been very active in state legislation, testifying in hearings and attending local town meetings in several states. FFL sees the American Library Association (ALA) as its chief enemy. FFL believes the values asserted by the ALA are in direct opposition to FFL values and the vision of what the FFL view public libraries should be. Many documents published by FFL call the ALA a destructive force and a source of erosion of community values. The following quote from Family Friendly Libraries *Vision Document* indicates such a sentiment:

The purpose of this document is to help citizens who are experiencing difficulties with public library systems tightly controlled by the American Library Association and its policies hostile to *traditional family values*. Though the ALA is currently a politically powerful national organization, it is still only a PRIVATE organization whose policies, including the infamous "Library Bill of Rights" and other related documents, have no basis in law. We want to enable you through knowledge and reasoned planning to help your library system transition into new policies that are more sensitive to local control and traditional family values, as public, tax-funded libraries were originally intended to be [emphasis added to original] (Family Friendly Libraries, 2000a).

Beginning with an examination of Family Friendly Libraries mission statement, this section explores the goals, purposes, and strategies used by both

the Crusaders. The purpose of this section is to reveal the specific beliefs of the primary group in this crusade (hereafter Crusaders). Note how each group uses common, universally accepted values (such as Civil Rights and Free Speech) as part of their own belief system. Note too the sentiments toward what they believe to be defending and their conception of communal or societal Good.

### ***Family Friendly Libraries***

Karen Jo Gounaud founded family Friendly Libraries in 1995. Their mission focuses on the need to protect children from harm, to replace ALA policies implemented in public libraries with “local needs, values, and concerns,” and to ensure that parental rights are upheld over a minor’s right to privacy. One of the concluding paragraphs to FFL’s mission summarizes their numerous points well:

We must insist that those responsible for the collection development, display and distribution policies in family-populated localities should actively help their communities: 1) guard the sensibilities and vulnerabilities of the young, and 2) aid in the preservation of the traditional family. While parents must still be responsible for the primary monitoring of their children's reading adventures, their neighborhood libraries, in partnership with parents, should still make a reasonable effort to maintain a safe browsing environment for unaccompanied youth. The current ALA policies are in opposition to that and other related goals in support of traditional family, the proven best environment for nurturing children and helping them grow into tomorrow's good citizens and leaders. That is why we need a new set of guidelines for encouraging renewed "family friendly" characteristics in the nation's libraries (Family Friendly Libraries, 2000b).

Notice how FFL defines censorship in the statement below. This point is particularly telling. FFL is able to embrace the value of the First Amendment by making a distinction between *censorship* and *sponsorship*:

Since libraries do not have unlimited funds and space, the question of what to carry and not carry is one, not of censorship, but of sponsorship. Books on bomb making and illicit sex (such as pedophilia publications) go to the bottom of the shopping list or not at all. Best selling society-building publications like Bill Bennett's *Book of Virtues* justifiably go at or near the top. Anything the library does not purchase can still be obtained commercially by any disappointed citizen (Family Friendly Libraries, 2000b).

### ***Citizens for Community Values***

Founded in 1982 in Cincinnati, Ohio, the Citizens for Community Values (CCV) explain why they were formed: "Citizens shared a concern about a serious problem they discovered in their communities—pornography and the harmful toll it was taking on the lives of men, women, and children" (Citizens for Community Values, 2001a). CCV has partnered with and now manages the Family Friendly Library organization. CCV's mission is: "To promote Judeo-Christian moral values and to reduce destructive behaviors contrary to those values through education, active community partnering, and empowering individuals at the local and national level." They explain, "CCV is a First Amendment, free speech organization abiding by existing Supreme Court decisions, opposing unauthorized censorship and defending the rights of free speech and community involvement" (Citizens for Community Values, 2001a).

Citizens for Community Values and Family Friendly Libraries share the same view of children (i.e. children are innocent and in need of protection) and the same definition of “material that is harmful to minors” They provide examples of harmful material on their web site:

- a. Allowing a minor to view an R-rated movie at a theater without parent or guardian.
- b. Permitting a minor to view age inappropriate material.
- c. Displaying, selling or renting pornography or other sexually explicit material to a minor. (Citizens for Community Values, 2001b).

Note example “b” in particular. CCV and FFL feel that the library actively permits minors to access inappropriate material and it is this point that spurs Crusaders to change library policy and implement some form of restricted Internet access. Additionally, CCV encourages legal and citizen action (Citizens for Community Values, 2001b). Legal action involves contacting authorities when “material harmful to minors” is discovered (e.g. filing a police report should one happen upon a fellow library patron viewing pornography on a public library terminal). Citizen action involves supporting “family-friendly” businesses, encouraging friends to do the same, and sharing “friendly” behavior with the CCV organization. The combining of legal, civil, and political action can be found in the *10 Ways to Create a Family Friendly Library*. These steps can be found on both the CCV and FFL web sites and provide the blueprint for their grass roots campaign against those who hold views and support policies contrary



to what the Crusaders feel a public library should be (Citizens for Community Values, 2001b).

According to the CCV and FFL:

- 1) A library should support “traditional family values”—defined as a “mother and father married to each other committed to a lifetime monogamous relationship.
- 2) Library personnel should recognize that parents have “primary authority” over what their children access.
- 3) The public library should reflect “community standards” in its selection procedures, display construction, and access policies (Citizens for Community Values, 2001b).

Additionally, a “family friendly library” is created through political action.

Members of the FFL organization are encouraged to attend board meetings, vote for “friendly” officials, and consider seeking a board membership or political office themselves. Finally, a family friendly library replaces ALA policy with “friendly” policies. This is reflected in the final step, “Persevere” of the *10 Ways to Create a Family Friendly Library*:

In the battle to restore decent limits and common sense to public libraries, remember that you are protecting your children, your tax money, and your community. Public libraries are supposed to answer to you - not to the American Library Association. The moral and cultural down slide of the American public library system has occurred gradually but steadily over nearly three decades of ALA political and cultural activism. It cannot be undone and corrected with a few petitions or focus meetings. Expect change to require time, diligence, persistence, and hard work (Citizens for Community Values, 2001b).

### ***Enough is Enough***

Enough is Enough is a group represented in the Communications Decency Act (1995) Hearings. Dee Jepsen, then president of Enough is Enough, provided

testimony in support of Internet filtering. “Launched in 1992, Enough Is Enough has educated the American people on the importance of protecting children from the harms of predators and pornography, and the link to sexual violence” (Enough is Enough, 2001). Enough is Enough’s vision is to:

Influence public opinion to recognize the inherent harms of pornography and sexual predators; and to advance solutions, which promote equality, fairness and respect for human dignity, with shared responsibility between the public, technology and the law (Enough is Enough, 2001).

Enough is Enough’s primary concern is seeing that pornography is eradicated from the Internet. Their focus is to raise awareness of the deleterious effects of pornography on the welfare of women as well as children and to realize an environment “without sexual predators and the relentless intrusion of unwanted sexual material” (Enough is Enough, 2001). The reason for seeking restricted access to the Internet is that the unfiltered Internet poses two threats to children: “children’s easy access to pornography and predator’s easy access to children through online ‘chat rooms’” (Enough is Enough, 2001).

No group, except for the general group of “pornographers” is singled out as “the enemy.” Thus Enough is Enough prides themselves as being a “bridge builder seeking reasonable solutions that protect children and our Constitutional freedoms” (Enough is Enough, 2001).

### ***Family Research Council***

The Family Research Council (FRC) is another interest group that has been highly vocal in the need to pass filtering legislation. FRC was not

represented in the hearings examined for this thesis, but has been cited by Family Friendly Libraries, Citizens for Community Values, and other groups as being a strong force for the Crusader cause. Founded in 1983 by James Dobson, the FRC's mission states:

The Family Research Council champions marriage and family as the foundation of civilization, the seedbed of virtue, and the wellspring of society. We shape public debate and formulate public policy that values human life and upholds the institutions of marriage and the family. Believing that God is the author of life, liberty, and the family, we promote the Judeo-Christian worldview as the basis for a just, free, and stable society (Family Research Council, 2002).

FRC's activism is motivated by what they believe to be five core principles upon which American culture is founded:

1. God exists and is sovereign over all creation. He created human beings in his image. Human life is, therefore, sacred and the right to life is the most fundamental of political rights.
2. Life and love are inextricably linked and find their natural expression in the institutions of marriage and the family.
3. Government has a duty to promote and protect marriage and family in law and public policy.
4. The American system of law and justice was founded on the Judeo-Christian ethic.
5. American democracy depends upon a vibrant civil society composed of families, churches, schools, and voluntary associations (Family Research Council, 2002).

### ***American Center for Law and Justice***

The final group for the Crusaders outlined in the section is the American Center for Law and Justice (ACLJ). Jay Sekulow represents the ACLJ in the Children's Internet Protection Act (1999) hearing. Pat Robertson founded the ACLJ in 1990 reportedly for the purpose of "undo[ing] the damage done by

almost a century of liberal thinking and activism” (American Center for Law and Justice, 2002). The ACLJ prides itself as being “this nation’s pre-eminent public interest law firm and educational organization dedicated to defending and advancing religious liberty, the sanctity of human life, and the two-parent, marriage-bound family” (American Center for Law and Justice, 2002).

The American Center for Law and Justice defends Judeo-Christian values and helps to serve other organizations with similar missions. They provide legal representation in cases where ACLJ values are challenged such as the Mainstream Loudon Case, and the Child Online Protection Act (American Center for Law and Justice, 2002).

This examination of the primary forces behind restricting Internet access shows the true agenda of the Crusaders. The issue here is not filtering material that is already deemed illegal and constitutionally restricted (such as child pornography); it is to restrict information to the general public that does not reflect “traditional family values” or “Judeo-Christian values” or attitudes about “healthy sex”. The Crusader argument becomes more vehement as the threat to their values and their worldview increases.

The elements of status politics are beginning to take shape. It is clear from this chapter that the Crusaders perceive a threat to their value system. An enemy has been identified, and a tactic of coercive reform is taking place in the courts. It is now time to turn to the examination of the testimony the Crusaders

provide in the pursuit to establish Internet filtering laws. The following chapter explains the methodology used for this analysis.

## CHAPTER 4 METHODOLOGY

### THE METHOD OF DRAMATISM AS A MODE OF ANALYSIS

In order to show that the Crusader agenda is an example of status politics, this thesis must analyze the Crusader argument. The Crusader argument is found in the testimony given by Crusader representatives in the CDA, COPA, and CIPA hearings. As stated previously, passing laws that elevate the cultural values of one group while criminalizing the values and actions of others is coercive reform. A method that can systematically label and identify the ways in which arguments are constructed is the proper tool for such an analysis. Dramatism is that tool.

Dramatism provides a link from the rhetorical nature of language to understanding the motives of action. Crusader arguments made in the Congressional hearings are deconstructed to reveal not only the ways in which different cultural groups interpret reality, but also their goal to persuade the audience that their interpretation is the correct one. “Dramatism is a method of analysis and a corresponding critique of terminology devised to show that the most direct route to the study of human relations and human motives is via a methodical inquiry into cycles or clusters of terms and their functions” (Burke, 1989:135). The following is a discussion of the key elements of dramatism.

In *On Symbols and Society* Kenneth Burke argues the one thing that distinguishes humans from all other beings is our ability to use symbols (Burke, 1989:11). He makes several observations concerning language and the way we

use language to communicate with one another. The first point Burke makes is that language is inherently symbolic. Through language we assign meaning to situations, we explain the world around us. We are able to conceptualize and generalize our experiences through the use of symbols (Burke, 1989:11). His second observation is that language and action are intimately linked with one another and cannot be separated. When we assign meaning to our world we act to define context; to explain our reality. Gusfield explains Burke's concept:

In using language the actor is also accomplishing purposes of defining himself and the situation to others through the style and form in which the language is couched. Sociology and literature meet, for Burke, in that in both, language must be understood by what it does, by how it affects the situation, the audience, to which it is addressed. Words are not empty folders, hanging in the air. They move audience to responses and move the speakers to define and redefine their contexts (Burke, 1989:11).

In this light, language can be seen as having two sides: the cognitive and active. In the cognitive aspects of language, we learn the rules to follow to describe our reality (Burke, 1989:17). We make statements such as "The sky is blue." We know that we have a subject, a verb, and an adjective placed correctly so that we convey a meaningful statement to another. The active side, which is the ability of one to effect the situation through language, is expressed through rhetoric. In this aspect we are able to manipulate our reality, we construct arguments, we don't simply describe our reality, we try to persuade others to accept our reality. "We cannot avoid rhetoric. When we speak, act, dress, eat, and generally conduct our lives we communicate and, in doing so, persuade

others, including ourselves....[H]uman events involve an actor and an audience.

Action is seen as persuasional and therefore rhetorical” (Burke, 1989:17).

One of the key issues involved in understanding how reality is constructed and expressed through language is recognizing the *motives* of action. Burke uses motives as a linguistic device. Motives are a “concept by which the observer, including the self explains and understands situations” (Burke, 1989:23). Motives tie individuals together; social groups are bound together by motives because they shape and construct the world the same way. However, “these relationships are not *realities* they are *interpretations* of reality—hence different frameworks of interpretations will lead to different conclusions as to what reality is” (Burke, 1989:11).

### THE FIVE KEYS OF DRAMATISM

Dramatism uses drama as a model of human behavior (Burke, 1989:9).

Actions are viewed against the basic elements of drama. The context of a certain action can then be viewed by its parts, revealing the rhetoric involved in the communication. Burke constructs what he calls the dramatistic pentad—the five keys of dramatism.

Dramatism centers on observations of this sort: for there to be an *act* there must be an *agent*. Similarly, there must be a *scene* in which the agent acts. To act in a scene, the agent must employ some means, or *agency*. And it can be called an act in the full sense of the term only if it involves a *purpose* (that is, if a support happens to give way and one falls, such motion on the agent’s part is not an act, but an accident). (Burke, 1989:135).



These elements can be rephrase as the “Who, What, Where, Why, and How” of an argument or narrative. These will be the terms used in the testimony analysis.

1. Agent—**Who** performed the act?
2. Scene —**Where** is the action taking place? (What is the context in which it occurred?)
3. Act—**What** took place?
4. Agency—**How** was it done?
5. Purpose—**Why** was it done? (Burke, 1989:11)

Another component to the Dramatism method is examining the different ways in which these elements are used together to form a narrative. The importance is not simply in identifying what comprises the pentad, but also in how they are proportionally or disproportionably used in the narrative. Burke felt that the key to discovering the underlying motives of the author of the narrative was to examine the different *ratios* of placement of these five elements within the narrative. For instance, the scene may be emphasized over the agent in a telling of a situation to give the audience a sense of being there with the agent. A discussion of ratios, and how they are examined concludes this section. We begin this section with a detailed description of the elements of the Burke’s Pentad.

#### ***Agent and Subject (Who)***

Simply, Agent refers to the one who is acting (Burke, 1989:135). There are two ways in which the term “agent” applies in this analysis. Since we are examining testimony, the term “agent” may refer to the individual testifying before the Congressional subcommittee. However, when a witness describes an action of another (a child, librarian, politician, pedophile, etc) that individual may

also be referred to as the “agent” because they too are acting. To distinguish between the agent and the subject in this thesis, the individual providing the testimony will be considered the agent. Any person or object whose actions or qualities or characteristics are described in the testimony will be considered the subject.

The subject of the argument is a crucial element to this analysis. “The subject of the argument is not part of the author or the audience....both author and audience are presented as ‘outsiders’”(Gusfield, 1976:22). Who or what the subject is determines several different outcomes. The choice of subject changes linguistic strategies employed by the author. For instance, tone and inflection change in the speaker depending on whom she is talking about. A plea to help child victims of Cyberporn may include a soft, almost desperate tone. If the author (speaker) chooses to describe the context using a different subject, say a pornographer, the speaker may become angry and caustically attack the subject of the narrative and the tone may switch from a plea to a demand for action.

The subject also changes the construction of the reality of the author. The element, who, is an important aspect in determining the context from which the agent is speaking. As we shall see, the world in which children are innocent and accidentally “happen” upon porn while surfing the Web is quite a different world than where children are seen as actively seeking porn on the Web and in chat rooms. These different interpretations of the subject, children, convey very

different meanings and reflect very different realities for the Crusaders. This aspect of subject reveals the different viewpoints among the Crusaders.

Finally, the subject changes the audience's reaction to the argument. By changing the subject of the argument, the agent is able to select the best strategy to persuade the audience to accept his interpretation of reality. For instance, making the case for Internet filtering by attacking the Cyberporn industry may not be as effective as constructing a case that Internet filtering will save children from harm.

### *Scene (Where)*

The scene describes the situation in which the subject is located (Burke, 1989:135). One of the key ways in which the scene is revealed is through the images the author uses to describe the subject's circumstance. The scene provides the props the author uses to color and construct the subject's world and, in turn, reveals the author's interpretation of reality.

The scene is also comprised of the supporting cast that shapes the characterization of the subject. In some instances, people are contrived as one-dimensional, reified to an archetype and employed only to help describe the author's reality. Hence, such questions such as, what are the images of librarian, library, school, teacher, and politician in the text are important ones to answer when analyzing the scene of a text.

Some of the key elements of the testimony that provide a description of the scene are the images used in describing the subject's world, the way in which

the subject moves through the argument. For instance, does the subject enter a library staffed with apathetic librarians unwilling to help parents see that their child is protected? Or, are libraries filled with cheerful staff members, ready to help parents in their endeavors to protect their children? Images used in setting the scene of the subject's action in a narrative are powerful tools in swaying the audience to the speaker's point of view. The images used also reveal values from which agent is attempting to construct a reality. Emotional reactions such as fear and concern are often best relayed by describing reality as it is perceived by the author and told through the eyes of the subject. As we shall see, scene is often overemphasized when describing the effects of Cyberporn on vulnerable children.

#### *Act (What)*

Act describes what is taking place—what the subject is doing (Burke, 1989:135). This element is fairly straightforward and easy to identify in the analysis. Act is a key element in revealing the speaker's perception of the subject. For instance, the concept of "child" is defined in terms of how the child acts. The motivations of the speaker to call for Internet filtering can be revealed by examining what the subject is doing in the narrative. For instance, the child may be innocently searching the Internet and happen accidentally on a porn site. Or an unsupervised child may be actively seeking pornography on the Web. In both cases the result is the same. The child accesses pornography online. However, the *reason why* the authors support Internet filtering is different. In the first

scenario, it is to protect vulnerable children. In the second, it is to keep defiant, deviant children from accessing pornography on the Internet.

### ***Agency (How)***

Agency is primarily concerned with the delivery of the agent's argument (Gusfield, 1976:20). That is, how is the agent conveying his message or communicating her context to the audience. For example, linguistic style and the choice to use the active or passive voice in an argument help create the reality outside the agent. By employing a passive voice, a reality outside the observer is established. The passive voice "reinforces this externality and provides the basic epistemological assumption; by use of the same method different observers must reach the same conclusions" (Gusfield, 1976:20). Agency reveals how the agent accomplishes his motives.

Additionally, the role of the agent is revealed through agency. Does the agent present herself to the audience as an outside, objective expert, or does she include herself in her narrative? Does he make himself the subject, or place himself in the same scene as the subject in the narrative he presents? Agency reveals how the agent accomplishes her motives.

### ***Purpose (Why)***

The main objective of this analysis is to demonstrate that the Crusaders, motives of providing testimony in these hearings is to compel Congress to enact laws that restrict and limit Internet access in public schools and libraries. In this sense, the element purpose is universal to all who testified. However, purpose is

also relevant to each specific piece of testimony in addition to the shared purpose of all crusaders described above. For instance, an individual's testimony may be given to shock the audience, or rally the audience to action. The agent's purpose for testifying may be given to elicit emotion in the audience, such as concern for children's welfare or outrage at the moral decay of society. Examining *purpose* in this way contributes to understanding how Crusader reality is interpreted, as well as the motives behind the Crusaders' action.

Additionally, purpose reveals the different motives among the groups that comprise the crusader cause. Different reasons may bring seemingly ideologically opposite groups together—their common bond being the shared motive of restricting and limiting children's Internet access.

### ***Ratios***

Another aspect to the dramatist method is the relationship between the elements of the pentad as they relate to the context of the narrative. In any given act, these elements are rarely expressed in equal proportions to one another. Burke calls these disproportions ratios (Burke, 1989:147). The importance of unveiling motives in an act is in examining the “lack of balance between the parts” (Burke, 1989:15). In some instances, the Agent may be dominant in the statement (dressing for effect, drawing attention to oneself to make the scene, act, and agency irrelevant—the agent alone makes the statement). Take as another example how the scene in the following statement found in the Family Friendly

Libraries “Online Summit: Focus on Children” Notice how the scene overplays all other elements of the Dramatistic pentad:

Now the slide into library licentiousness and parental rights denial has continued with the introduction of unfiltered Internet. All the wholesome education possibilities are overshadowed by the lack of safe fencing around the bottomless pit of Cyberporn. Most public community libraries don't even bother with permission forms. Kids and smut—everything from semi-clad centerfolds to demonstrated bestiality—are now playmates funded by taxes and sanctioned or overlooked by public officials (Gounaud, 2000).

By describing a dangerous library environment (scene) supported by unconcerned librarians and ambivalent public officials (images/props), the author attempts to convey to the audience that libraries are hazardous places for children (subject) and that such environments are unacceptable. The scene is over emphasized above all other elements of the pentad to convey a perceived reality of poor library policy and community standards that lead to the harmful experiences of children seeking information on the Internet.

Another important ratio to examine during the analysis of the testimony is the relationship of the Agent to the audience. The relationship the agent holds with his/her audience reveals how the agent attempts to sway the audience to his/her interpretation of reality. The following are examples of questions that target this aspect of Dramatism to this project's analysis: What vantage point is the agent taking in relationship to the audience? Does he place himself as an equal with his audience? Is her experience commonplace? Is he involved in the same reality as the audience? Does he feel the same plight or suffer the same

consequences or reap the same rewards as the people he is calling to act? Or, is she an expert who asserts “how the world is” and shows this world to the audience? “When the author tells instead of shows, he claims authority and distance from a viewpoint above the audience” (Gusfield, 1976:21). It is through ratios that we are able to understand the tactical maneuvering of the Agent in her attempts to sway audience to her worldview.

Chapter 2 discussed the elements of status politics and described the ways in which groups organize to defend their cultural authority and social status. Chapter 3 discussed the different ways in which the moral crusaders and their competitors have constructed their reality. It also examined how the Crusaders interpret harm, material and children. This chapter lays out the method used to analyze the Crusader argument. The following chapter provides an historical overview of each piece of legislation. It summarizes the major court decisions arising from challenges made to these laws and discusses the balance of the symbolic and instrumental value contained within each piece of Crusader legislation.



## **CHAPTER 5 LEGISLATIVE HISTORY**

This chapter provides the legislative history of the laws examined in this work and is presented to provide an historical framework to the testimony examined in this thesis. It includes the basic provisions of the Communications Decency Act, the Child Online Protection Act and the Children's Internet Protection Act, a discussion of the challenges to these laws, and the court rulings that followed. This history also explores the balance between the instrumental and symbolic functions of these laws.

### ***Communications Decency Act (CDA)***

In 1995 Senator James Exon (D-Neb.) proposed the Communications Decency Act. "The purpose of the CDA is to prevent minors from receiving sexually explicit material over the Internet—a goal furthered by the use of criminal sanctions" (Simon, 1998:4). Here we see the criminalization of enemy deviant behavior. The CDA calls for the punishment "by fine, imprisonment or both, the knowing transmission of "obscene or indecent" communications to any person under eighteen years of age. A further section "prohibits the knowing sending or displaying or displaying of 'patently offensive' messages to persons under eighteen years of age" (Simon, 1998:4).

"The final version of the CDA was enacted by Congress February 1, 1996" (Electronic Privacy Information Center, 2002a). On February 8, 1996 The American Civil Liberties Union along with The American Library Association,

The Electronic Privacy Information Center, and 18 other organizations challenged the constitutionality of the CDA. “On June 12, 1996, a special three-judge court in Philadelphia ruled that the Communications Decency Act is an unconstitutional abridgement of rights protected by the First and Fifth Amendments” (Electronic Privacy Information Center, 2002a). On March 19, 1997, the Department of Justice “filed an appeal with the U.S. Supreme Court” (Electronic Privacy Information Center, 2002a). The case became known as *Reno v. ACLU*.

On June 26, 1997, the U.S. Supreme Court affirmed the lower court’s decision, 7-2, that the Communications Decency Act “violates the First Amendment's guarantee of freedom of speech” (Electronic Privacy Information Center, 2020a). An excerpt from Justice O’Conner’s opinion follows:

Although the prospects for the eventual zoning of the Internet appear promising, I agree with the Court that we must evaluate the constitutionality of the CDA as it applies to the Internet as it exists today. Given the present state of cyberspace, I agree with the Court that the "display" provision cannot pass muster. Until gateway technology is available throughout cyberspace, and it is not in 1997, a speaker cannot be reasonably assured that the speech he displays will reach only adults because it is impossible to confine speech to an "adult zone." Thus, the only way for a speaker to avoid liability under the CDA is to refrain completely from using indecent speech. But this forced silence impinges on the First Amendment right of adults to make and obtain this speech and, for all intents and purposes "reduce[s] the adult population [on the Internet] to reading only what is fit for children” (Electronic Privacy Information Center, 1997).

The issue of zoning was raised in *City of Renton v. Playtime Theaters, Inc.*

While the issue surrounding this case is not concerned with the Internet, the conclusions drawn and the decisions based on this case inform the Court when

considering mandatory filtering of the Internet. In *Renton*, the Court “upheld a zoning ordinance that prevented adult movie theaters from opening in residential neighborhoods...The ordinance was aimed not at the content of the films shown in the theaters, but rather at the impact such establishments have on their surrounding neighborhood, including rising crime rates and deteriorating property values” (Simon, 1998:3). What is important here are the “secondary effects” that the adult movie theater brought to the neighborhood. The Court upheld the statute that the state had a “legitimate interest in protecting property values and discouraging crime” and therefore, could limit speech as long as the content of the speech was not considered.

This is an important aspect of the filtering debate because the Crusaders rely heavily on the expert opinion of psychologists who point out the secondary effects of pornography on children. Specifically, these effects are: child victimization, sexual abuse, low self-esteem, and the development of negative attitudes toward women. This strategy aids the Crusaders in constructing a scene of fear, and danger, and the damaging effects of enemy deviant values.

#### ***Child Online Protection Act (COPA)***

COPA was passed and signed into law in October 1998 (Electronic Privacy Information Center, 2002b). COPA is a second go around for the Crusaders. They have been beaten once. They have had the chance to refine their argument and face the issue of constitutionality from a different angle. COPA establishes criminal penalties for commercial distributions where the

Communications Decency Act criminalized simply the transmission of “obscene or indecent” An excerpt of COPA’s summary provided by Congress follows:

[COPA] amends the Communications Act of 1934 to make it unlawful for anyone who, with knowledge of the character of the material, in interstate or foreign commerce by means of the World Wide Web, makes any communication for commercial purposes that is available to minors (persons under age 17) and that includes any material that is harmful to minors. Provides additional penalties for each violation. Makes such prohibition inapplicable to telecommunications carriers and other Internet service providers. Makes it an affirmative defense that such person: (1) requires the use of a credit card, debit account, adult access code, or adult personal identification number; (2) accepts a digital certificate that verifies age; or (3) uses other reasonable age verification measures (Child Online Protection Act, 1998).

Furthermore, COPA :

Prohibits a person making such a communication from disclosing any information collected for purposes of restricting access to such communication to individuals 17 years of age or older without the prior written consent of: (1) the individual concerned if such individual is an adult; or (2) the individual's parent or guardian, if such individual is under 17 years old. Requires the person making such communication to take necessary actions to prevent unauthorized access to such information. Provides exceptions with respect to disclosure that is: (1) necessary to make the communication or to conduct a legitimate business activity related to making the communication; or (2) made pursuant to a court order authorizing such disclosure (Child Online Protection Act, 1998).

And finally, COPA “[r]equires a provider of interactive computer service, at the time of entering into an agreement with a customer, to notify such customer that parental control protections are commercially available that may assist the customer in limiting access to material that is harmful to minors” (Child Online Protection Act. 1998).

This aspect allows a new sector of society into the picture and adds an economic element to the issue. Specifically, software vendors have a great economic interest in the outcome of COPA. The passage of COPA means that libraries will be forced to purchase filtering software. Vendors were present at the COPA hearings, testifying on behalf of the Crusaders. Additionally, vendors will be able to disseminate their own agenda through their products. Since many commercial filters work via human “gatekeepers”, it is possible for a vendor to restrict access to competitors’ sites, sites that demonstrate how to disable their products on local machines, and sties the vendors themselves regard as morally, politically, and culturally objectionable. In short, it is possible that the majority of the information available for public access on library terminals would reflect a particular software company’s interest. Nancy Willard (2002a) points out in her article, “Internet Filtering”:

Most companies provide only a list of potential categories to be blocked and a short description of the types of material blocked. They usually protect the actual list of blocked sites, key words used in searching and blocking, blocking criteria, and blocking processes, saying these constitute confidential, proprietary, trade-secret information. There is no mechanism to conduct an independent, objective analysis of these companies to ensure that blocking decisions are made in accord with constitutional standards that protect students' rights of access to information (Willard, 2002a:2).

“In February 1999, the federal district court in Philadelphia issued an injunction preventing the government from enforcing COPA” (Electronic Privacy Information Center 2002b). “Although COPA contains a defense if Web speakers

restrict access by requiring a credit card or adult access code, the evidence clearly established that either defense would burden free speech, for at least five reasons”

(Electronic Privacy Information Center, 2002b):

1. They deny access to all adults without credit cards.
2. They require all interactive speech on the Web to be placed behind verification screens, even speech that is not "harmful to minors."
3. They deter adults from accessing protected speech because they impose costs on content that would be free, eliminate privacy, and stigmatize content.
4. They allow hostile users to drive up costs to speakers.
5. They impose financial burdens on speakers that will cause them to self-censor rather than incur those burdens (Electronic Privacy Information Center, 2002b).

On June 22, 2000, The Third Circuit Court of Appeals affirmed COPA was unconstitutional (Electronic Privacy Information Center, 2020a) "Because of the peculiar geography-free nature of cyberspace, [COPA's] community standards test would essentially require every web communication to abide by the most restrictive community's standards" (Electronic Privacy Information Center, 2002b).

Where the CDA lost in part on the aspect of zoning, COPA loses on community standards. The reference to community standards is traced back to *Miller v. California* where the modern definition of obscenity is constructed:

[t]he basic guidelines for the trier of fact must be: (a) whether “the average person, applying contemporary community standards” would find that the work, taken as a whole, appeals to the prurient interest; (b) whether the work depicts or describes, in a patently

offensive way, sexual conduct specifically defined by the applicable state law; and (c) whether the work, taken as a whole, lacks serious literary, artistic, political or scientific value (Simon, 1998:2).

This is important because it reveals the crusader's attempts to adapt their arguments to previous court decisions. With each generation of Crusader legislation, unconstitutional holes are patched and the core argument is reinforced by Congressional support. Of course the Crusaders would like to see a legislative victory, however, even when Crusader laws are challenged and defeated in the courts, the defeat is not absolute. Crusaders continue to refine their arguments before Congress while the grassroots movements on the parts of some groups such as the Family Friendly Library gain momentum on the lower level.

“In late February, 2001, the Department of Justice filed a petition for certiorari asking the U.S. Supreme Court to reverse the decision of the Third Circuit” (Electronic Privacy Information Center, 2002b). In April 2001, ACLU along with others “in a brief opposing certiorari that asked the U.S. Supreme Court not to disturb the decision of the Third Circuit Court of Appeals that found the Child Online Protection Act to be unconstitutional” (Electronic Privacy Information Center, 2002b). Arguments were heard before the Supreme Court in *Ashcroft v. ACLU* (formerly *ACLU v. Reno II*) on November 28, 2001. A ruling is expected by June 2002 (American Civil Liberties Union, 2002).

### ***The Children's Internet Protection Act (CIPA)***

The last piece of legislation examined in this project (and currently the latest generation of Crusader testimony) is the Children's Internet Protection Act (CIPA). The following excerpts from the Children's Internet Protection Act explain its purpose:

The Childrens' Internet Protection Act [sic] [a]mends the Communications Act of 1934 to make an elementary or secondary school having computers with Internet access, or a library with one or more computers with Internet access, ineligible to receive universal services at discount rates unless the authority responsible for the administration of such school or library certifies to the Federal Communications Commission (FCC) that it: (1) has selected a technology for such computers which filters or blocks access to material that is obscene and to child pornography; and (2) is enforcing a policy to ensure the operation of such technology during any use of such computers by minors. Allows such authority to use a technology which filters other material deemed inappropriate for minors (Children's Internet Protection Act, 1999).

Furthermore, CIPA:

Requires each covered school or library not in compliance with such requirements to reimburse each telecommunications carrier in an amount equal to the universal services discount received. Requires the FCC to determine the date such discount shall cease to apply to a noncomplying school or library, and to resume the discount upon certification of compliance. Prohibits Federal agencies from: (1) making determinations of other material inappropriate for minors; (2) reviewing a determination made by a school or library authority with respect to verification; or (3) considering the criteria employed by such authority to determine eligibility for universal services discount rates (Children's Internet Protection Act, 1999).

And finally, CIPA:



Allows discounted universal services rates: (1) to be available only for services covered by FCC regulations on priorities for funding telecommunications services (including the Internet) that assign priority for available funds for the poorest schools; and (2) to be used for the purchase or acquisition of appropriate filtering or blocking products, but not for the purchase of unrelated software or other technology (Children’s Internet Protection Act, 1999).

Congress passed CIPA in December 1999 (Electronic Privacy Information Center, 2002c). In March 2001 the American Civil Liberties Union, the Electronic Privacy Information Center and the American Library Association challenged CIPA on both privacy and First Amendment issues in *Multnomah County Public Library v. United States* (Electronic Privacy Information Center, 2002c). They are “fighting to have the law declared unconstitutional for the following reasons:

1. It violates the First Amendment.
2. Web site blocking is erratic and ineffective.
3. Web blocking is contrary to the mission of public libraries.
4. It will widen the digital divide Electronic Privacy Information Center, 2002c).

“The case survived a motion to dismiss in July 2001. Trial before a special three-judge panel of the U.S. District Court of Philadelphia began March 25, 2002” (Electronic Privacy Information Center, 2002c). A ruling is expected in May 2002 (Electronic Privacy Information Center, 2002c).

Issue 2 above (web site blocking is erratic and ineffective) addresses the instrumental character of these laws. Specifically, there is little or no instrumental value in Crusader legislation. This thesis argues throughout that Crusader legislation is sought for its symbolic value—the legal legitimate ability to

characterize one set of values and beliefs as culturally superior over another— rather than the ability for it to be actually *enforced*. CIPA is the most punitive of the three laws examined in this work. However, CIPA’s enforcement will be difficult if not impossible to implement. Additionally, numerous reports indicate that filtering software continues to block material that is not harmful or obscene and does not filter out all material that is considered obscene and prurient (Internet Free Expression Alliance, 2001 and Willard, 2002b). Peacefire.org offers a list of numerous sites blocked by popular filtering software packages (Peacefire.org, 2002).

The following chapter analyzes the testimony presented in the CDA, COPA, and CIPA Congressional hearings. This analysis deconstructs the rhetorical elements of the testimony, how these interpretations of realities are demonstrated to the audience, and the different strategies employed by the Crusaders to persuade the audience to agree with their point of view. The symbolic value of the law is the issue rather than the actual enforcement of these laws or instrumental value these laws may contain.

## CHAPTER 6 ANALYSIS

### DESCRIPTION OF THE DATA

This chapter analyzes the testimony given by the Crusaders in three Congressional Hearings: Communications Decency Act of 1996, herein referred to as “CDA testimony,” Child Online Protection Act of 1998, herein referred to as “COPA testimony,” and Children’s Internet Protection Act, herein referred to as “CIPA testimony.” A brief description and list of those in support of each piece of legislation follows:

#### *CDA Testimony*

On July 24, 1995, the Senate Judiciary Committee held a hearing on “Cyberporn and Children, the Scope of the Problem, the State of Technology, and the Need for Congressional Action.” This hearing was included for research because it was the first hearing held on the issue of pornography and the Internet.

Six people testified in support of Internet filtering in the CDA hearing: Susan Tillman Elliott, M.D.—a parent; Patricia W. Shao—a parent; Donelle Gruff—a woman stalked by a man after she began communicating with others on a bulletin board service; Dee Jepsen—President of “Enough is Enough” a “non-profit, non-partisan women’s organization opposing child pornography and illegal obscenity” (Jepsen: CDA testimony, 1995); Orrin G. Hatch—Senator (R-UT); and Barry F. Crimmins—a “writer and children rights and safety activist” (Crimmins: CDA testimony, 1995).

### ***COPA Testimony***

On September 11, 1998 the House Subcommittee on Telecommunications, Trade and Consumer Protection held a hearing on “Legislative Proposals to Protect Children from Inappropriate Materials on the Internet.” This hearing was examined because the testimony presented addressed the Child Online Protection Act (H.R. 3783), The Safe Schools Internet Act (H.R. 3177), The Child Protection Act (H.R. 3442), The Internet Freedom and Child Protection Act (H.R. 774), The Communications Privacy and Consumer Empowerment Act (H.R. 1964), and the Family-Friendly Internet Access Act (H.R. 1180). These Acts were developed as a response to the overturning of the Communications Decency Act of 1996 in the *ACLU v. Reno* decision.

Five people testified in support of filtering. They are: Bob Franks—Representative (R-NJ); Stephen R. Wiley—Chief, Violent Crimes and Major Offenders Section, Federal Bureau of Investigations; Ernest J. Istook Jr.—Representative (R-OK); Mary Anne Layden, PhD—Director of Education Center for Cognitive Therapy Department of Psychiatry, University of Pennsylvania; and Dan Coats—Senator (R-IN)

### ***CIPA Testimony***

On March 4, 1999 the Senate Commerce, Science and Transportation Committee heard testimony concerning “S.97, Children’s Internet Protection Act.” Testimony was examined for this hearing because it dealt with McCain’s

S.97 Bill, which was developed to refine the points deemed unconstitutional by the CDA and subsequent COPA legislation.

Five people testified in support of Internet Filtering: Janie Harris—Executive Director of Solace House, John McCain—Senator (R-AZ); Mary Anne Layden—Director of Education, Center for Cognitive therapy, University of Pennsylvania; Bruce Taylor—President and Chief Counsel—the National Law Center for Children and Families; and Jay A. Sekulow—The American Center for Law and Justice.

The following discussion identifies three distinct strategies the Crusaders use in attempts to persuade the audience to accept the Crusaders' worldview. This analysis also reveals the evolution and strengthening of the Crusaders as a political force over time. One of the effects of having previous acts, such as the CDA and COPA challenged in the courts is that the Crusaders are able to refine their argument and attempt different strategies for subsequent hearings. The chapter concludes with how this analysis and the application of status politics applies to the library profession.

#### **STRATEGIES OF THE ARGUMENTS**

The motivations underlying the Crusader testimony are found by identifying Burke's element of purpose in each speaker's testimony. By examining the ways in which subject, scene, act, and agency interplay with one another in different testimony, purpose can be discovered and analyzed. Using this type of analysis, three major strategies emerge. They are: 1) the Crusader

testifies to express that their own value system is in crisis. 2) The Crusader attacks the value system of those opposed to her value system. And 3) the Crusader uses his testimony as an opportunity to attack existing law.

These three strategies are employed a number of ways. The element agency (how the message is carried out) is particularly important when identifying differences within the themes or purposes themselves. Recall that distance of the speaker from the audience is achieved by using a passive or active voice (“showing” the audience versus “telling” the audience). Other uses of agency include the speaker’s demonstration of reality through emotion such as fear, danger, or anger. Agency is also manifested through the use of expert testimony where the speaker relies on research, statistics, or studies to base her argument. In the case of emotive responses, the speaker is usually *showing* the audience his reality. That is, he supplies evidence and accounts of his experience and believes it sufficient to sway the audience to his point of view. When the speaker relies on statistics and “objective” research to make his case to the audience, he is reporting or telling the audience factual evidence found in reality. He believes that this objectivity will supply the audience with enough evidence to show that his interpretation of reality is the correct one. Action also plays an important role in the delivery of an argument. A sense of urgency, a call for action, or a demand for punishment is clearly conveyed in testimony that uses strong, emotive action-words.

### ***Crusader value system is in crisis***

Children are overwhelmingly the subjects of Crusader testimony when the Crusader's purpose for testifying is to demonstrate that their value system and ideology are under attack. The image of children at risk, or the immediate need to protect children is played out over and over again as Crusaders address the attacks on their worldview. According to the testimony, children are at risk in three ways: 1) they are at risk because of new technology. 2) They are at risk because pornographers and/or pedophiles seek out children, or 3) they are at risk due to their own curious and deviant behavior. The ultimate conclusion in all of these cases is that Internet access must be restricted to protect children.

The following excerpts illustrate this point. Note that in almost every case children are considered *innocent, vulnerable, and threatened or harmed* by unrestricted Internet access. In this first group of statements, technology is the culprit. These images help convey to the audience that unrestricted access to the Internet is dangerous to children. The problem of pornography on the Web is so great that something must be done.

The Internet introduces a new challenge to censorship. Previous legislation has mandated that laws such as *Playboy* and *Hustler* be placed out of immediate reach of minors and in brown parcel paper and behind grocery counters at the local market. Now, the call is for placing Internet access to certain material out of the reach of children *and* adults in public libraries and schools. Censorship via placing filters on public terminals serves as the "paper wrapping"

for electronic access to pornography. Shao and Harris use the image of vulnerable children entering a dangerous world as a tool to convey this message to their audience. A reader gets the sense from these passages that children are innocent and pure, and upon accessing the World Wide Web, they are instantly open to corruption by the seamy, depraved world of the Internet. Note the heavy emotive language, and how the method of persuasion here is through fear. Notice too that the pentad element act is overemphasized in the following excerpts of Shao's testimony—The act of the victimization of children helps describe a fearful world of an unfiltered Internet:

I, too, am frightened, and appalled at how I am not able to protect my children on the Internet. As I continue to research this topic, and speak with other children and parents, I have discovered that almost seven out of ten have been victimized on the Internet (Shao: CDA testimony, 1995).

The girls were in a teenage chatroom on America Online, and were propositioned for "cybersex". Initially, they thought it was funny, giggling as you'd expect thirteen-year olds would, but as the requests became raunchier, they were frightened (Shao: CDA testimony, 1995).

In Harris' account, the scene is overlaid to convey fear to the audience.

The Internet becomes a dangerous trap for innocent, unassuming children.

The Internet frontier and its navigation is currently too dangerous for children. Childhood innocence is affected with the hit of a single keystroke. We cannot assume that a child has a parent to guide them. We cannot assume that a vulnerable, hurting child can escape a technically advanced trap (Harris: CIPA Testimony, 1999).



The testimony given by Jepsen, Wiley and Istook emphasize that terms such as hard-core pornography, child pornography, and the blanket term “indecent material” are equal in harming children. This provides a powerful strategy for the Crusaders. Material that is not considered pornographic, but can be argued as indecent, causes the same harm and the same damage to children. Therefore, any material considered indecent should be restricted as well. This points to the core of the issue. Crusaders are not interested in censoring pornography, they are interested in censoring material that they consider destructive to their values, and ideology.

The issue at hand is control over the flow of information on the Internet, not the flow of pornography over the Internet. Child pornography and “sexually explicit photographic images of minors” were illegal before the Internet’s proliferation in the general public, and will continue to be a legitimate restriction of free speech. However, by using images such as child pornography and pedophile, concurrent with “other materials harmful to minors”, that “other material” is demonized along with already illegal material. Any information or material that does not conform to “traditional family values” is as harmful and as evil and *should be as illegal* as child pornography from the Crusaders’ point of view. The likelihood that successful legislation leads to federal policies applied to all public libraries and schools becomes greater by equating undesired with illegal speech.

To illustrate this point, examine the following excerpts. Jepsen employs action above other elements of the pentad. This enables her to illustrate a world (scene) where pornography invades our homes and threatens our children. Note her equation of the specific terms “hard-core” and “child pornography” with the nebulous term “indecent material.”

With the advent of personal computers (PCs), a whole new world of pornography access rushed in through its floodgate. Today, we face an insidious threat—hard-core, child pornography and “indecent” material which is harmful to minors, are being transmitted over the Internet directly into our homes (Jepsen: CDA testimony, 1995)

Wiley uses the similar tactic of overemphasizing action in his statement.

Technology *allows* pedophiles access to children.

This technology, however, has also allowed our nation’s children to become vulnerable to exploitation and harm by pedophiles and other sexual predators (Wiley: COPA testimony, 1998).

Istook uses a different approach to convey the same message to the audience. Here, he uses the element scene to show that schools and libraries can be used a portals to disseminate pornography to children.

And our youth are vulnerable...thus, our schools and libraries, as they move to the universal Internet access which still is not present in all homes, are at particular risk to be used as entry points for this traffic in pornography (Istook: COPA testimony,1998)

Another excerpt from Jepsen’s testimony demonstrates the use of agency to persuade her audience. She places herself and the audience on equal ground. All are responsible for the welfare of children, all members of society must keep

pornography and the abuse it carries with it from the reach of children. We are the ones who will be accountable for destroying childhood innocence.

When we allow pornography to be freely available to children, pornography is not only an attack upon the present, but an attack upon the future as well. Once pornography has been viewed by young, vulnerable children, it can start a chain of abuse that carries over into their adult and family lives (Jepsen: CDA testimony, 1995).

The quotes that follow employ this strategy as well. However, they are different in that they change the cause of children's victimization. In the previous quotes, technology was the cause of harm. In the following excerpts the users themselves are the cause. Changing the cause of the risk from technology to pornographers themselves furthers the case of children at risk. In the testimony below, unfiltered Internet access is viewed as a gateway for pedophiles to gain access to children. Note how in Crimmins' statement, words such as "major," "proliferation" and "de facto decriminalization" create a scene where children are left alone and victimized in an unprotected cyber world:

There is a major crime wave taking place on America's computers. The proliferation of child pornography trafficking has created an anonymous "Pedophile Superstore". As a result, the de facto decriminalization of child pornography is taking place. The demand for child pornography is also a demand for innocent children to be abused (Crimmins: CDA testimony, 1995).

Observe in Wiley's statement that the words "abuse" and "sexual predators" create a vivid scene of danger and harm to children:

Utilization of computer telecommunications was rapidly becoming one of the most prevalent techniques by which pedophiles and other sexual predators shared sexually explicit photographic

images of minors, and identified and recruited children for sexually illicit relationships (Wiley: COPA testimony, 1998).

A final way in which children are at risk is the fact that they must be protected from themselves. Some Crusaders argue that safeguards must be in place because children seek out pornography on their own. Istook's testimony reflects this when he points out that avoiding all temptation to any Internet user is impossible, especially for children due to their curious nature. Here, children are the agents in this argument. Children are vulnerable because they actively seek "forbidden fruits."

It is impossible for any Internet user to avoid all temptation. And, under a constant barrage of enticements, we know that there will be wide-scale yielding to that temptation. Children and adolescents are especially curious, and therefore vulnerable. My point is that even if they don't go looking for obscenity on the Internet, it comes looking for them. Computers are machines, and they will never stop the ceaseless tempting. It is therefore up to us—we who are providing the money for so much of this Internet access—to do all that we can to minimize this temptation. To remove it all is impossible, but that is no excuse for not doing what we can (Istook: COPA testimony, 1998).

Istook is not completely dismissing the vulnerability of children. However, he does believe that an unfiltered Internet is not in a child's best moral interest.

Sekulow, on the other hand, changes the view of children entirely. Here, he states that children are not to be trusted, and children actively seek pornography on the Web. The absence of images of vulnerability and innocence is in striking contrast to the testimony provided by other crusaders. It seems that

Sekulow's motivation is to call attention to what he perceives as "unwillingness"

on the part of public libraries to keep children away from pornography:

Second, establishing time limits would in no way limit children's access to pornography. It would only limit the amount of pornography that they could access. Third, these alternatives suffer from another faulty premise that, if educated, children will not access pornographic sites. In no other aspect of our society does the law trust minors to do what is in their best interest. Children are banned from accessing pornography in every other venue. Public libraries should not be the only place where children are allowed to access such material because we trust them to do what is in their best interest. Lastly, privacy screens will only foster minors' access of pornography by allowing them to do it in private without the fear or embarrassment of being caught (Sekulow: CIPA Testimony, 1999).

Another way in which the Crusaders use children to convey the message that their value system is in a crisis is to call for the children's protection. Here, the move to protect children is urgent and deliberate. Note the action words used in the statements below. Using verbs such as *act*, *effort*, *tell*, and *send* in conjunction with adjectives such as *immediate*, *strong*, and *clear* create a rallying cry by which Crusaders are able to circle their wagons. Clearly, statements such as these reveal a perceived threat and an urge to act on that threat, and therefore ease the crisis. In both cases, Istook and Layden emphasize action in their arguments to the audience.

Congress must act now, and continue to seek more ways to confront this problem. We already acted once with the Communication Decency Act, only to see the courts overturn that attempt to protect children. We need a further immediate effort (Istook: COPA testimony, 1998).

The pornographers feed on our silence. But silence is complicity. We must send a clear and strong message to those who would hurt our children with pornography. We must tell them that they will never have the comfort of our silence again (Layden: COPA testimony, 1998).

One final way to reveal for a Crusader to reveal that their value system is in crisis is to state it outright. Jepsen does this in her statement:

From all sides more and more voices are proclaiming that our culture is in crisis-a crisis of character. A second White House Conference on Character was convened. Organizations to promote character have been formed. For over a year, Bill Bennet's book, the Book of Virtues, has been near the top of the New York Times best-seller list. Traditional family values are being touted in nationwide political campaigns, by both parties. The entertainment industry is being challenged "to clean up its act" (Jepsen: CDA testimony, 1995).

Note, however, that Jepsen also challenges those opposed to "traditional family values". This challenge incorporates the next theme we examine in the Crusader testimony.

In these cases, we see that the Crusaders construct a vivid reality where children are victimized either by the anthropomorphism of technology or by pedophiles and other persons dealing with pornography. Children are either preyed upon, or cannot fight their own deviant nature and seek "harmful material" on the Internet. These are very useful techniques in persuading the audience to accept the Crusader worldview. The welfare of children is an issue that elicits strong emotion and one that every politician will defend. Demonstrating that children are harmed is one of the strongest strategies the Crusader can employ in this issue.

### ***Attacking the enemy deviant value system***

The second strategy employed by the Crusaders is to attack the enemy deviant's value system and ideology. Recall the position of the Enemy deviant. Those opposing the Crusader's value system must not only reject the Crusader ideology and worldview, but adopt a value system of their own that they see as legitimate. This strategy is crucial to the cause if the Crusaders are to achieve a victory. Not only must they demonstrate what is right about their own worldview, they must attack, tear down, reject and criminalize the value system of their enemy. This in turn changes the motivation for action on the part of the crusaders. They begin to condemn the values and actions of their enemy, but they also supply a remedy. Examples of such remedies are the actual legislative proposals examined for this investigation.

The following quotes demonstrate this component of the crusade. There are three different ways in which the Crusaders attack the Enemy deviants' value system: 1) The Crusader indicates that others don't support the Crusader's value system. 2) The Crusader presents a damaging or destructive view of the Enemy deviant's worldview. And, 3) The Crusader calls for the criminalization of behavior reflecting Enemy deviant values. Take, as a first example Shao's statement:

I am aware of software and other "lock-out" features that I can download into my computer. But what happens when my children are at a neighbor's house? What happens if peer pressure builds, and a normal sleepover party of teen-age boys becomes an opportunity to read and view pornographic material, material they

may not have access to otherwise? What happens in multi-cultural homes that own computers? Parents that may not be literate, but with children who have been educated here and have access to this indecent and obscene material (Shao: CDA testimony, 1995).

Note how she questions the values of others around her. Her neighbor is suspect.

Multi-culturalism is threatening. Her questions suggest that individual “lock-out” features are not enough to protect children. Lock out features should not be left to the individual because not all individuals will choose to filter out material Shao finds objectionable. The scene is quite vivid in her statement and her concern for her children having access to pornography in homes where she feels the values differ from hers are quite clear.

The following portion of Layden’s testimony is an excellent illustration of the ways in which Crusaders present values counter to their own in a pejorative manner. Layden’s testimony is powerful because, as an expert, she adds legitimacy to the experiences her fellow Crusaders share with the audience. She moves the argument from the realm of subjective anecdotal testimony to the objective world of quantitative research:

These shared distorted beliefs include: pathological behavior is normal, is common, hurts no one, and is socially acceptable, the female body is for male entertainment, sex is not about intimacy and sex is the basis of self-esteem. These distortions become part of the releasing mechanism that allows people to act out. Then the distortions become part of a belief system of the child-victim. The child-victim as an adult still holds these beliefs and it is these beliefs that become the focus of the trauma treatment of the adult (Layden: CIPA Testimony, 1999).



Note the comparison of the distortion of beliefs to “normal” values. Using statistics and quoting from clinical studies or research further strengthen the Crusader’s case. Additionally, she never characterizes specifically *who* holds these beliefs; therefore, she establishes a “we versus them” reality where “they” represent all who do not support Crusader values. “They” are immoral, “they” do not care about children, “they” are putting decent cultural values in jeopardy. This is key to constructing the image that “they” are criminals, they are the enemy, and should be fought and should not win this battle.

By keeping “others” as an abstract group, the problem of declining morality seems ambiguous and colossal. Therefore, Federal mandates are needed to remedy the situation. (People cannot monitor themselves; therefore it is up to “us” to make laws that ensure that American citizens behave morally and justly.) This results in a two-fold victory for the Crusaders: First, the support of one set of virtues over another set of virtues is solidified, symbolizing moral superiority over others. Secondly, successful legislation ensures that Crusaders are able to control the dissemination of information to the public blocking out information that is not simply pornographic in nature, but information that is harmful to their values, or harmful to the power they hold in controlling the information.

Layden again provides the cause valuable fuel by turning subjective interpretations into objective reality through the use of figures. She reports a reality to the audience and leaves very little to interpretation. Ultimately, the audience either accepts or rejects the figures proposed by Layden, but it is the

figures that are more likely to be scrutinized than Layden's own subjective interpretation of reality. Here we see a concrete example of how telling objectifies the speaker from the audience:

Approximately 40% of sex addicted males will lose their spouse. Severe financial consequences will be suffered by about 58% with some addicts losing all of their savings and earnings. In general, about 27% will either lose their jobs or be demoted (Layden: COPA testimony, 1998).

Another interesting aspect to Layden's testimony is the reference to the economic harm pornography causes. Taking harm out of the "subjective" moral fiber of society and placing it in the "objective" scientific world strengthens her argument. It is easier to disregard an argument based solely on how one feels about a situation—a member of Layden's audience simply has to believe that s/he does not share Layden's sentiments. However, by calling in objective criteria, the listener is able to share in the experience that Layden lays out so carefully for us. Compare this to Jepsen's description of Enemy deviant values and the effect of pornography on society:

Clinical studies and life experiences attest to the fact that pornography numbs the moral conscience, stunts moral growth and encourages anti-social behavior. Once pornography has been viewed by young, vulnerable children, it can start a chain of abuse that carries over into their adult and family lives (Jepsen: CDA testimony, 1995).

Observe that Jepsen also employs a method of telling the audience about the harms of pornography by calling on the authority of clinical studies. By

employing this method, Jepsen himself does not have to be an expert in child abuse or criminal behavior. He lets the study do the talking for him.

Layden uses a number of techniques in this quote:

The numbers of victims are massive. By the time a female in this country is 18 years old, 38% have been sexually molested. One in 8 women will be raped. Fifty percent of women will be sexually harassed on their jobs during their lifetimes. We are seeing a sexual dysfunction in increasing numbers. We are not just talking about an epidemic we are talking about a sexual holocaust (Layden: CIPA Testimony, 1999).

Once again she has employed a “telling” approach to her strategy by introducing statistics and rates of incidents of the sexual abuse of women. She is also creating a scene where victims of sexual abuse are tremendous. Society is bleak in this passage. Her use of the term “sexual holocaust” and other imagery is meant to shock and alarm the audience into believing her conception of reality. The imagery Layden uses also tells the audience that the world is a dangerous, threatening place. Pornography feeds disorder and restrictions on pornography, including restrictions to what may be considered to some, as protected speech is needed to maintain an orderly and safe society.

Another method of attacking the enemy’s value system is the Crusaders’ pitting their beliefs and practices against those of their opposition. For instance, McCain’s statement “someone is going to be looking out for their children” implies that those within the public library and school system are not looking out for or protecting children:

Parents have the right to feel safe that, when they send their child to school, when they drop their child off at the public library, someone is going to be looking out for their children, protecting them. That's what this bill is all about (McCain: CIPA Testimony, 1999).

Similarly, Layden employs the same strategy when she asks panel members how they are going to address the problem of apathetic librarians and teachers who allow children to have unfettered access to Internet pornography:

Can we afford to expose our children to another set of devastating toxins? Are we willing to live in a society where this psychological contamination is delivered at the library? Can we tolerate a society in which the protection of children is greater at the video store than at our schools? Where bouncers will keep our kids out of strip joints but our teachers won't? We have a choice. You can protect them now or you send them to me for treatment later (Layden: CIPA Testimony, 1999).

Once the enemy's behavior, value system, and ideology have been discredited and rebuked, the next phase in destroying the enemy deviant's legitimacy is to criminalize their behavior and punish those who adhere to enemy deviant policies.

In almost all the instances where the purpose of testifying is to criminalize enemy deviant behavior, demands for punitive actions against individuals or organizations upholding deviant behavior is also made. Crimmins' testimony demands action against both individuals and organizations. Note the action involved in his testimony:

What is needed right now is funding to create a task force of computer and legal experts to enforce Zero Tolerance for Child Pornography....People need to see their neighbors (who have participated in these criminal acts) taken away, jailed, and stigmatized as "perverts." If this is done in a public, no-nonsense manner, it should seriously reverse the crisis that is destroying

countless innocent children. This crackdown must also include serious punitive measures against companies like AOL. The profit must be removed from “looking the other way” (Crimmins: CDA testimony, 1995).

Likewise, both McCain and Sekulow call for punitive measures in their testimony. However, rather than individuals, schools and libraries are the targets for punishment. Notice that in both cases, the speakers convey that libraries and schools have no choice but to adopt Crusader policy. In both instances, those who do not adhere to the Crusader’s law suffer consequence for siding with “the enemy.” In the case of McCain, if libraries and schools do not adopt a filtering policy, federal monies will be withheld. In Sekulow’s case, these institutions will face litigation because they will be violating obscenity laws. Once again, the tone is authoritative and inflexible indicating a telling approach, rather than a showing approach:

Schools and libraries, in subscribing to the E-rate program, assume that responsibility for providing a front-line protection policy for children who utilize their computer to access the Internet. If they don’t want this responsibility, the answer is simple, don’t take the subsidy (McCain: CIPA Testimony 1999).

The vast majority of the pornography which saturates the Web is neither educational, nor beneficial, and in many jurisdictions the exposure of minors to such materials is illegal. Therefore, to avoid liability, libraries will have to adopt some form of Internet filtering process for minors (Sekulow: CIPA Testimony, 1999).

Layden criminalizes deviant behavior and pornography consumption by using objective means. She conveys her argument to her audience by relying on her personal, professional experiences. By equating pornography use with abuse,

Layden is able to label even material that usually meets criteria for protection under obscenity laws criminal. This is important because the identification of what “pornography” consists of is left to those who make and implement criminal law. In this instance, material once excluded from criminal sanctions may now be included if the Crusaders obtain a legislative victory over their competitors.

In the 14 years I have not treated one case of sexual violence that didn't not involve pornography. In every case of sibling incest that I have treated, the kind of pornography involved has been soft-core nonviolent pornography. Exposing children to pornography meets the criteria for childhood sexual abuse (Layden: CIPA Testimony, 1999).

As we have seen in this analysis, attacking the values of the enemy deviant is another primary strategy employed by the Crusaders. Here, action is emphasized over emotion. The Crusaders set up a “you're either with us or against us” dichotomy where the Enemy deviant consists of all those individuals and organizations that do not stand for “traditional values.” The Enemy deviant is an abstract entity consisting of depraved and immoral values and undermines and destroys a healthy way of life. By not concretely identifying what the Enemy deviant consists of, material, values, cultures and lifestyles counter to those of the Crusaders are criminal, deviant and harmful to society.

We now move one to the final strategy revealed in the Crusader testimony. This strategy tears down existing law. In order for the

Crusaders to implement new law, they must show that current law does not defend or protect its citizens.

### ***Crusader rejection of existing law***

The ultimate goal of the moral crusader is to achieve legislative power over another group or groups opposed to the crusader ideology and value system. In order to successfully make new law, the crusader must demonstrate that the current law reflects and supports a flawed value system. Sekulow seizes such an opportunity at the CIPA hearings. The following statements are taken from Sekulow's lengthy testimony. In this first excerpt, Sekulow uses his testimony to criticize previous court decisions. Keep in mind that the Crusaders' attempts to pass Internet filtering legislation have been unsuccessful. Sekulow seizes this opportunity to revise the Crusader argument that was defeated on appeal.

That decision (Mainstream Loudon) was wrong because the district court used an incorrect forum analysis; it confused access to publicly available rooms in the library with the library collection itself. Publicly available meeting rooms can easily become a public forum, whereas the library collection cannot (Sekulow: CIPA Testimony, 1999).

It is clear here that Sekulow is using the CIPA hearing as a platform to assert the Crusader stance. He is not trying to persuade his audience, he is using the hearing as a forum to publicly assert Crusader disdain for deeming their arguments for Internet filtering as unconstitutional.

We reject the conclusion of the district court that Va. Code Ann. Section s.1-804 to -806, restricting state employees from accessing sexually explicit material on computers that are owned or leased by the Commonwealth unless given permission to do so, infringes

upon first amendment rights of state employees. The Act regulates the speech of individuals speaking in their capacity as Commonwealth employees, not as citizens, and the Act does not touch upon a matter of public concern (Sekulow: CIPA Testimony, 1999).

And finally, Sekulow uses his opportunity to speak before the Senate Commerce, Science and Transportation Committee as a way of asserting what the Crusader vision of a public library ought to be. In all three instances, Sekulow's purpose is quite clear.

A public library does not constitute a traditional public forum. The nature of a library does not permit a patron to engage in most traditional First Amendment activities while in the library. For example, a patron would not be permitted to engage in speeches or any other type of conduct which would disrupt the quiet and peaceful atmosphere of the library. Similarly, library patrons cannot demand the placement of a book on the library shelves or that the library change its rules and regulations to fit his/her needs. Therefore, the nature of the public library does not lend itself to be classified a traditional public forum (Sekulow: CIPA Testimony, 1999).

The interpretation and reinterpretation of the Constitution also falls under the strategy of rejecting current law. As part of Court decisions, Constitutional Amendments and their meanings and applications to legislation are factors included in the struggle for legislative legitimacy. In the case of this moral crusade, the Crusaders attempt to redefine how and when the First Amendment applies to Internet access. In many cases, Crusaders will affirm the validity of the First Amendment, but argue that it doesn't apply or is superseded by a greater Good (i.e. the moral fiber of society).

Take, for instance the following statement by Harris:



I understand the importance of guarding our first amendment rights and why many dedicated, compassionate Americans argue against government censorship. However, our situation is not about the first amendment; this is about decency and love of children (Harris: CIPA Testimony, 1999).

Here, Harris dismisses the First Amendment as irrelevant to the issue. What is important about this strategy is that Harris avoids the criticism of supporting legislation that contradicts the civic virtues embedded in the Bill of Rights. Her “civic virtue” is left intact by stating the issue is about children, not freedom of speech.

Similarly, Shao sees the importance of the First Amendment secondary to the protection of children. Here, she asserts responsibility over freedom:

I believe in the freedom of speech. I also believe in responsibility; responsibility by the providers of the online service companies to protect the innocence of children (Shao: CDA testimony, 1995).

In both cases, Harris and Shao make a strong case for their side by reinterpreting the First Amendment. They don't deny the virtue held in the fundamentals of civil law. They do, however, assert that the First Amendment does not stand alone as the only virtue constituting civil liberties (arguably, a moral component to the law—their vision of a moral component). Thus, they enhance their perceived superiority by claiming responsibility. At the same time, they imply that the Enemy deviant is not virtuous, they are irresponsible with the application of the First Amendment to law and therefore, their interpretation is morally inferior.

Jepsen employs a different strategy than the other two. Here, she describes not what pornography is, but rather what it does. She interprets pornography as an action, rather than speech, and therefore makes its protection harder to apply.

Pornography demeans and degrades women, victimizes children and ruins men. It contributes to domestic and spouse abuse, rape, incest and child molestation. And a great share of it is not protected speech, any more than liable, slander or false advertising are protected speech (Jepsen: CDA testimony, 1995).

Another way to examine the testimony is to study the evolution of Crusader strategy over time. The following section examines the Crusader testimony chronologically rather than by strategy. This reveals the development of the moral crusade as a social movement. It reveals the development of the Crusaders' group identity, and the increased organization of the Crusaders as a legislative force.

#### **EVOLUTION OF THE CRUSADER ARGUMENT OVER TIME**

This type of analysis shows the emergence of the Crusaders organizing as a front to demonstrate to the audience that the law has been misinterpreted, as is the case with Sekulow's testimony. These examples demonstrate to the audience that the Crusaders do not view themselves as anti-Constitutional, or against civil liberties. Such a strategy adds legitimacy to their argument. They are not easily dismissed as a radical group by asserting common democratic values.

Reinterpreting these fundamental values into their construction of reality appeases

to the “mainstream” vision of what democracy is. This aids in the possible success of their crusade.

Another element to the crusade unveiled by this particular analysis shows the change in Crusader strategy over time. As Crusader bills are constructed, supported, passed, and defeated, the Crusaders’ strategies change to address the failures of the previous bill. By examining the chronological aspects of the testimony, we see the evolution of Crusader “consciousness” where more structure is added to each consecutive hearing, and where the experts testifying move from first-hand accounts of laypersons to professionals and experts.

### ***1995 Testimony***

The predominant purpose or motivation for the testimony given in the CDA Hearing in 1995 was to demonstrate that the crusader’s value system was in a crisis, and any action coming out of this hearing is made for the purpose of protecting that value system. Testimony given in this hearing does not attack existing laws but does address the need for responsibility in the application of the First Amendment. The element, agency, primarily consists of showing rather than telling the audience about reality. There is little distance from the speaker to her audience.

Emotive language is used throughout the Crusaders’ testimony. Alarm, fear, and anger are easily identified in much of the participants’ testimony. Scenes depicting a dangerous world created by an unfiltered Internet environment are described by almost all of those testifying in the CDA Hearings.

There is not a great deal of action found in the CDA testimony. The enemy deviant has not been clearly identified. Attacks on the entertainment industry, pornographers, and pedophiles are made. However, nebulous references to neighbors and “multi-cultural homes” are made as well. “Others” are perceived as a threat, and a danger to minors, but the conception of those who are threatening is ambiguous. Hence, references to fear, danger, and the imploring for immediate punitive action are directed at individuals rather than institutions.

First Amendment issues are also general. Statements that pornography does not meet the criteria for First Amendment protection are made, but not backed up or substantiated with either legal or expert evidence.

### *1998 Testimony*

COPA testimony clearly demonstrates that crusaders fear their value system is in a crisis. 1998 testimony bring about the introduction of “experts” to the hearing. (Layden and Wiley), but the testimony does little to “tell” rather than “show” the audience about the crusaders’ reality.

Layden’s testimony comprises a mixture of tactics. She uses statistics to discuss the effects of pornography on those who consume it, but she also employs emotive language as well, urging, “we must send a clear and strong message to those who would hurt our children...”(Layden: COPA testimony, 1998).

Also introduced into 1998 testimony is the suggestion that children are not always “innocent victims” of pornography. Istook speaks of the “curious” nature of children and adolescents. This is the first time that temptation is mentioned in

reference to children. Istook is still not giving up completely on the notion that children are vulnerable, but they are vulnerable because they are tempted: “It is impossible for any Internet user to avoid all temptation. And, under a constant barrage of enticements, we know that there will be wide-scale yielding to that temptation. Children and adolescents are especially curious and therefore vulnerable” (Istook: COPA testimony, 1998).

Here we see the development of the second strategy discussed in the previous section, the attacking of the enemy deviant. There is a change from the passive “what needs to be done” to the active, “we need to...” This change suggests a solidification of the crusader’s legislative force and identity. Using “we” indicates a group identity and the organization of many groups into one unit. This is a crucial transformation in the movement of the crusaders. Unification is the first step in passing legislation successfully. The “we” becomes stronger and takes on more action as the group identity evolves over time.

Additionally, the use of “we” assumes a “they.” In identifying themselves around a common goal, the crusaders begin to define a boundary of an out-group, or a “they” group. An enemy can now be identified in terms of how their ideologies, beliefs, values, lifestyles, etc. differ from the crusaders. Once identified, the enemy deviant is more easily attacked. As the CIPA Testimony shows, there is a significant move to attack “deviant” or “distorted” values and thus adding a new element to the crusaders argument in their attempts to make their case for “right” and “wrong” more compelling.

### ***1999 Testimony***

There are several significant differences in the testimony presented in this hearing that demonstrate that the Crusaders have become more acutely defined as a group and more powerful as a legislative force. Keep in mind that by the time by the time hearings were held on the Children's Internet Protection Act, two previous laws had been passed and subsequently rejected as unconstitutional by the Courts. One of the first noticeable differences is the identification of institutions (i.e. public schools and libraries), rather than individuals, as part of the enemy deviant group. Additionally, institutions, rather than individuals will be punished for not conforming to crusader's standards and laws.

Testimony illustrating that the crusader's value system is in crisis is non-existent in the CIPA hearing. The primary purpose for providing testimony is to attack the values of the enemy deviant, and calling for the criminalization of enemy deviant values. Descriptive words are stronger. Phrases such as "distorted beliefs" and "sexual holocaust" connote danger, but are meant to alarm the audience rather than illustrate the speaker's fear.

A more authoritative voice has evolved in the crusader. Most of those testifying in the CIPA hearing are "telling" the audience how the world is and that their interpretation of reality is the correct one. There is a distancing from the audience. Experts such as Layden are almost flippant in their testimony. Lines between "we," "you" and "they" are clearer than in any other hearing. Examine once again the following statement by Layden and notice how she illustrates the

disdain for the enemy deviants' values by asking the audience what they will tolerate, and, finishing up her questions with a sardonic tone in her closing statement:

Can we afford to expose our children to another set of devastating toxins? Are we willing to live in a society where this psychological contamination is delivered at the library? Can we tolerate a society in which the protection of children is greater at the video store than at our schools? Where bouncers will keep our kids out of strip joints but our teachers won't? We have a choice. You can protect them now or you send them to me for treatment later (Layden: CIPA Testimony, 1999).

Also new to the crusader strategy is the challenge of current law and recent court decisions concerning crusader legislation. Sekulow, an attorney for the American Center for Law and Justice, testifies to discredit the decisions made in the Loudon County decisions. His statement, "We reject the conclusion of the district court that Va. Code Ann. Section s.1-804 to -806, ..." (Sekulow: CIPA Testimony, 1999) shows a defiance to the court. This defiance suggests that the crusaders believe they have enough power and group identity to take an authoritative stance in congressional hearings. This symbolic defiance is yet another sign that the crusaders are well organized and ready to defend their ideology and their value system.

Testifying in congressional hearings provides the crusaders with a public forum during which they can formally speak out against court decisions. Testifying also gives crusaders a chance to try out new versions of old legislation. They are able to re-write, modify, and fine-tune their arguments in the hope that

new laws will hold up under the Constitution. This also indicates that the stakes for “conquering” the enemy deviant in court are much higher. The symbolic aspect of the crusaders’ law becomes much more powerful because, if it is upheld, the law will have not only surpassed the legislative power of groups opposed to the crusaders, but also the scrutiny and challenges of the courts. Therefore, a successful passage increases the power and political legitimacy of the crusaders all the more.

#### **APPLICATION TO THE LIBRARY PROFESSION**

This work is relevant to the field of librarianship in three distinct ways. First, It explains that a social movement is taking place to implement a nationwide policy that would restrict patron access to information on the Internet. The goal is not only to restrict and limit access to pornographic materiel, to other “harmful” material as well. As discussed in Chapter 1, particular legislation is sought for its symbolic value. Successful passage of legislation affirms the power of the Crusaders to impose their conception of morality and worldview to the whole of society. This theoretical interpretation reveals the rhetorical strategies on the part of the Crusaders to win public opinion for their agenda. Additionally, the American Library Association is the target of some of the most powerful groups behind the Crusader organization such as the Community of Citizens Values and Family Friendly Libraries. The document *Mainstream Loudoun—A Voice for Moderation* states:



FFL wants to eliminate the American Library Association (ALA) which it describes as “an arrogant, monopolistic, lobbying special-interest group” which “is known nationwide as a pro-pornography group.” Gounaud states: “Our ultimate goal is USA-wide replacement of ALA control with local citizen control, one community at a time.” The ALA’s Library Bill of Rights with its support of intellectual freedom is a major stumbling block for the FFL in their attempt to remove or restrict materials they deem inappropriate (Mainstream Loudon—A Voice for Moderation, 2001).

Second, Crusader legislation, if implemented will be directly felt in one way or another by all public libraries across the country. This crusade is present on local, state, and federal levels. The mission statements of many of the groups comprising the Crusaders encourage its members to seek positions on library boards, run for political office and recruit others within their communities. Chances that a library professional encountering a Crusader in one form or another increase as the movement spreads and gains momentum. This thesis draws attention to the hidden motives and agendas of the Crusaders.

Third, as the Crusaders call into question the values and principles of those opposed to restricting Internet access, and tout their own values and principles in the process, the librarian professional is forced to examine the values embraced by the library profession. She may face the dilemma between appealing to the desires of the community and holding steadfast to the wider ethic that applies to all libraries. Tom Budlong, Buckhead Branch Manager, Atlanta-Fulton Public Library System summarized these values at a Symposium on the Freedom of Speech hosted by Georgia College and State University:

As librarians, we believe in the concept of the marketplace of ideas in which good ideas will drive out bad on their own merits. We believe that citizens are intelligent enough to examine all the options and from their own opinions. We believe that parents have the right to set standards for their own children, but not for those of others. We believe that religious groups have the right to profess their own beliefs, but not suppress the beliefs of others. We believe that all viewpoints have the right to be heard no matter how distasteful they are to others. We believe that we live in a multicultural society and that all ethnic and minority groups must have a right to be represented in their public library (Budlong, 1999:3).

Even if a librarian chooses to embrace these values (and possibly overlook local demand), it may be harder to defend these values when libraries are forced to make the difficult decision between restricting Internet access and losing necessary funding for the library. At the time of this writing, the ALA and the American Civil Liberties Union (ACLU) are challenging the most recent version of Crusader legislation, the Child Internet Protection Act (CIPA). If this challenge fails, libraries will be forced to use already sparse monies to purchase Internet filtering software and install it on all Internet terminals or surrender valuable E-rate discounts. This work offers an insight into the dynamics of filtering legislation, shows the consequences of such legislation, and may bring a librarian to develop a political strategy of his own.

## CHAPTER 7 CONCLUSION

### SUMMARY

Status politics is a sociological theory that explains that often laws are instituted for their symbolic value rather than their instrumental value. Laws embody the values, beliefs and ideals of a culture. Those who have the power to make law also have the power to impose their values, beliefs and ideals on the rest of society. When these values are rejected by a significant number of members of the general public, and the established culture is challenged, those groups who support the established culture begin a crusade to ensure that their ideals, values, and beliefs are still reflected in society's culture. These crusaders attempt reforms. Assimilative reform occurs when the threat to the crusaders' values is relatively minor. Deviants both repent and conform to the established culture recognizing the status and prestige of the crusaders, or deviant is sick and his behavior is dismissed as irrelevant to the established norm. Coercive reform occurs when the deviant openly rejects societal norms and seeks to replace established cultural norms, values, and ideals with her own. In this case, deviants are considered enemies, and the crusaders begin a legislative campaign to criminalize enemy deviant behavior.

This thesis shows that there are a number of special interest groups who espouse "traditional family values" (monogamous, heterosexual, two parent families) and the "Judeo-Christian ethic" (God is supreme in all things including

secular law) who feel threatened by others who challenge the legitimacy of these values. These groups have organized to form a powerful coalition to restrict and limit Internet information accessed in public libraries to only material they feel reflects their values and norms. If successful in passing such legislation, their status as the gatekeepers of society's morality and culture remains intact.

To demonstrate this, this thesis examined the testimony of these crusaders in three congressional hearings: The Communications Decency Act (1995), the Child Online Protection Act (1998), and the Children's Internet Protection Act. By using Dramatism as a method of analysis, this testimony was deconstructed in to five elements, agent, act, scene, agency, and purpose. This deconstruction revealed the underlying motives of those involved in this moral crusade. Specifically, the Crusader aim is not simply to restrict the public's access to pornography in public libraries and schools, but to limit and restrict access to other harmful material as well. Harmful material being defined as any material that is dangerous to the Crusader cultural ideal.

Finally, this work offers a perspective by which librarians will be able to critically analyze what is happening in their libraries. Interest groups not necessarily concerned with the public library's mission attempt to shape policies that reflect their values. Public libraries are the one of the few institutions in American society where free speech and the right to access information are championed. "Libraries are dangerous places. They are full of ideas" (Budlong,

1998:2). It is the role of the public librarians to protect these rights and make sure that libraries remain “dangerous.”

### **FURTHER RESEARCH**

This thesis focused solely on the Crusader perspective of the Internet filtering issue. Those opposed to limiting and restricting Internet access in public libraries and schools are also highly organized and politically strong. Groups such as the American Library Association, the Center of Democracy and Technology, the Electronic Frontier Foundation, the Electronic Privacy Information Center and other groups are actively challenging Internet filtering legislation. The same method of analysis can be applied to these groups’ missions and testimony to reveal their agendas. In some ways, these groups are on a crusade of their own. If they are successful, the status of their beliefs, ideals, and values will be reflected in the absence of Internet filtering laws.

Another area of exploration is the interest of the filtering software vendors. No vendors were represented in the testimony for the Communications Decency Act in 1995. However, in the Child Online Protection Act hearings in 1998, three CEOs from software companies presented testimony in support of Internet filtering laws and two CEOs were present in 1999 for the CIPA hearings. These vendors have their own agenda and a great economic interest in seeing Internet Filtering laws passed. While not Crusaders themselves, they are strong allies to the Crusaders in Internet filtering legislation. Future research may

examine how much influence filtering software vendors have on the legislative process and how much they contribute to the Crusader cause.

Finally, the issue of Internet filtering extends beyond American society to the global community. Groups such as the Global Internet Liberty Campaign (GILC) and the Global Internet Project (GIP) seek to ensure that the "Internet must be kept free of unnecessary international regulations and national laws that impede or inhibit its growth" (Global Internet Project: 2001). These global organizations see the Internet as a new frontier for open communication and expression. They are against censorship of any kind. They see the Internet as new medium for the dissemination of information, particularly to those who are censored by their governments. GLIC states in their report, *Regardless of Frontiers: Protecting the Human Right to Freedom of expression on the Global Internet:*

Applying international human rights principles to the Internet requires an appreciation of the fundamental characteristics of the digital on-line media. The unique qualities of the Internet justify according the strongest protection to free expression on-line and should prompt a new vision of the right to receive and impart information "regardless of frontiers" (Global Internet Liberty Campaign, 1998).

Additionally, the world is watching what is happening in American courts in regard to Internet filtering policies. Jana Varlejs points out in *Who Censors the Internet and Why:*

The U.S. is in the enviable position of being the only country that has a constitutional guarantee of freedom of speech. That right is deeply cherished and zealously guarded by librarians, as well as by

journalists, civil rights groups, and others. The fact that a second attempt to legislate “decency” is currently on the floor of Congress is only one example of why constant vigilance is exercised (Varlejs, 1998:3).

Should a censorship law hold up under appeal in this country, will other countries follow suit? It may be that if other countries see that the United States censors information on the Internet, they will be less hesitant to censor what they feel is harmful material. An exploration into the global effects of this crusade would prove to be quite interesting.

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## VITA

Sueanne M. Plaksin was born Sueanne Marie McDonnell in Iowa City, Iowa on November 20, 1969. She was raised in Iowa City, Silver Spring, Maryland, and Augusta, Georgia. She received a high school diploma from Saint Thomas Aquinas High School in May 1988 in Augusta, Georgia. She received a Bachelor of Arts degree with a double major in Sociology and Philosophy in May 1992 from Belmont Abbey College, Belmont, North Carolina. She received a Master of Arts degree in Sociology from the University of Tennessee, Knoxville in August 1997. She married Mark Aaron Plaksin in April 2001. She received a Master of Science degree in Library and Information Science in 2002.

She is currently employed as a reference librarian with the Athens Regional Library System in Athens, Georgia.

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