

## Unsafe at Internet Speed: Towards a Civil Networked Society

By Steven B. Davis and Cheryl S. Campbell

**I**MAGINE THE STATE of our country and our planet if we operated our highways the way we run the Internet. The Information Superhighway was envisioned as a shared public resource interconnecting citizens, cities, and countries with thoroughfares and side streets where we all travel and engage in discourse, entertainment, and commerce in an ordered, cooperative manner.

In fact, it is anarchy — everybody is suspicious of their neighbors and other travelers. Anyone can be robbed — often without knowing it. While there are great shows, games, stores, and businesses, consumers need to drive armored tanks to travel safely, pray their houses aren't robbed while they are out, and hope that anyone they meet is not a flasher, child molester, or thief.

### True Costs Are Enormous

This situation has been tolerated because the apparent cost is so small — a couple of hours to reconstruct a virus-damaged computer, some filter software for one's children, a new credit card or e-mail address every now and then (unlike even a minor car accident that can involve repair bills, police reports, insurance claims, hundreds or thousands of dollars, and endless hours).

Spread across the country and around the world, however, the impact is enormous — a digital Pearl Harbor that goes on day after day, year after year, with no end in sight

**Steven B. Davis** is CEO and **Cheryl S. Campbell** is president of IT GlobalSecure Inc., Washington, D.C.

and no one even noticing or seeming to care. Billions and billions of dollars are lost to various forms of fraud, vandalism, and other crimes and misdemeanors.

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*We must actually create the laws, regulations, and procedures for a civilized network and banish today's Internet anarchy.*

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In order for society to reap the full benefits promised by the Internet and information technologies, we must actually create the laws, regulations, and procedures for a "civilized" net-

work and banish today's Internet anarchy.

First, we must re-establish the link between the "real" and the "virtual" world — connecting every "virtual presence" to an actual individual, government, or organization. There can be no meaningful rights or responsibility without accountability; unfettered and anonymous freedom spurs criminality, slander, and chaos.

The means to a civilized network society are simple, familiar, and the same as the means to a civilization: rights and responsibilities, laws and regulations, consequence and recourse. Traditional mechanisms should be embraced and used where possible; there is nothing inherently special about the Internet that requires us to change local, national, and international laws and rules. What is strange that this is not so today. There seems to be a fear of requiring every e-mail address, chat handle, IP address, and domain name ultimately to be associated with a person, government, or business that can be held accountable.

There is a difference between the

*Continued on Page 9*

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Continued from Page 10

right to personal privacy and the casual impunity of public anonymity.

### Licenses and Registrations

Cars have registrations, drivers have licenses, roads have lanes, traffic lights, and speed limits. There is no reason that computers, individuals, and networks should be different. The automotive revolution was a slow revolution compared to the rapid changes created by computers and networks. However, the entire automotive transportation network is part of a legal and regulatory framework — everything from manufacturers, tolls, public transportation, and even roadside advertising is ultimately overseen by someone. Internet registrations, licenses, and insurance can be required, just as licenses and insurance are required for cars and individuals.

### Liability and Insurance

The first step must be to create what might be called a "National Network Legal Code" to establish the basic standards for Internet behavior and measures of civil and criminal liability and accountability. The legal code would also define contracts, taxation, and other matters in order to enable the smooth flow of commerce and safe exchange of ideas. Software and network providers would be held accountable to a legally defined standard for adequate security, privacy, and reliability of their technology. (In fact, there have been several suggestions for holding software firms liable for failing to ensure the security of their products, but this only addresses part of the problem: users of software also must be held accountable.) Defined and limited liability would open the door to the effective use of insurance and thus

would actually encourage better software and security practices.

### Accountability and Enforcement

Mechanisms for enforcement will emerge naturally from a basic legal system and can be funded through fees, taxation, or other means. Subcriminal enforcement can be established for "unlicensed public networking," "zombie attacks," "web graffiti," and other crimes that can be enforced and prosecuted at the state or local level — just like parking and moving violations for automobiles.

There are existing laws to address

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"cyber-crime," but these mechanisms are both blunt and oddly brittle; cyber-criminals get the publicity of spies and the punishment of a jay-walker. We need a full and rich legal regime that includes both felonies (with serious sentences) and misdemeanors, and even the equivalent of traffic tickets and parking violations. This is necessary to provide deterrence for petty criminals and negligent users. Such a law enforcement and public safety system would provide adequate resources to address more serious crimes. Driver licenses and vehicle registrations as well as tickets and fines make protecting our transportation system substantially self-funding. Our networks need the same tools and protections.

While "surfing without a license" and "out-of-date security software" may not be as glamorous as "cyber-vigilantism" and "hacking," they can keep our network society moving and growing. We can then safely leave the "Wild West of the Internet" to our cyber-Louis L'Amours. Civilizing the Internet will occur not by technological invention but by human actions. A subsequent article will offer some speculations and suggestions as to how such actions can be initiated and fostered. ■

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