

# The Great Firewall of China

Shawn Healy

**Senators John McCain and John Kyl**, both Arizona Republicans, argue that the Internet by its very nature promotes grassroots democracy. In an op-ed piece they wrote, “By enabling discussion, debate and criticism of our governments, the Internet allows us to practice in cyberspace the essence of democracy.”<sup>1</sup> Their comments were directed toward the Communist Party in China and American technology companies that enable and execute government censorship in the digital realm.

Although China has made notable progress in liberalizing its economy over the past three decades, the Communist Party maintains a stranglehold on political freedom, and in no place is this more apparent than the roadblocks it places on the Information Superhighway. Indeed, according to Reporters Without Borders, China stands as “... the world’s most advanced country in Internet filtering.”<sup>2</sup> Of the 55 online dissidents imprisoned worldwide, 48 are detained in China.<sup>3</sup>

China has an estimated 137 million citizens who access the Internet, second only to the United States.<sup>4</sup> While 92 percent of Chinese citizens have not gone online, analysts predict 400 million mainland web users over the next decade.<sup>5</sup> From 2001 through 2004 alone the percentage of the Chinese population accessing the Internet nearly tripled, from 2.57 percent to 7.23 percent.<sup>6</sup>

The essay that follows describes in detail China’s censorship machine, the reaction of its citizenry to this arsenal and the complicity of American companies in enabling the process. Does admittance to the world’s largest market trump concerns about unencumbered access to information? Some companies have struck deals with the proverbial devil (Google, Microsoft, Yahoo), while others have stuck to their guns (Wikipedia). The

preferred path isn’t paved in black and white, although the information superhighway itself may ultimately provide the answers. China appears to be fighting a losing battle in an increasingly interconnected world that outwits the censors from near and afar.

## The Great Firewall

Dubbed the “Golden Shield,” the Chinese Internet censorship system does not aim for complete control, but only to prevent “major breaches in the firewall.” Specifically, the Chinese National People’s Congress claims it is criminal to “incite subversion,” “divulge state secrets” or “organize cults” on the Internet. Such laws are necessary “to promote the good and eliminate the bad, encourage the healthy development of the Internet (and) safeguard the security of the State and the public interest.”<sup>7</sup>

Policies target pornographic websites along with sites critical of the Communist Party, including other governments, religious groups and political organizations.<sup>8</sup> This extends to sites related to freedom in Tibet, Taiwanese independence and the Tiananmen Square Massacre.<sup>9</sup> Moreover, one encounters an error message when trying to access Wikipedia or BBC Chinese language news service.<sup>10</sup>

Of the websites blocked by Chinese censors, pornographic sites lead the list (39 percent), followed by mention of major historical events (14 percent), hate speech (13 percent), gay and lesbian sites (11 percent) and email providers (10 percent). Sex education sites (8 percent), gambling sites (8 percent), those that sell provocative attire (6 percent), news outlets (6 percent) and sites enabling the circumvention of censors (5 percent, see below) complete the list.<sup>11</sup>

In the second half of 2004, for example, police closed more than 1,400 pornographic websites and arrested 420 people as a result. Another 700 gambling suspects were arrested in a similar crackdown in 2005.<sup>12</sup> Last June, homosexual websites were purged by a mainland domain company under pressure from the police. One administrator protested: “It is great humiliation to classify all gay forums ... as pornography, adult-only, and sex forums.” Many such sites are dedicated to sex education, providing methods for condom usage and HIV knowledge.<sup>13</sup>

Sites that reveal official corruption are also targeted by state censors. On January 8, 2007, Xiamen police blocked access to a site that revealed local corruption and monitored city politics. It reportedly published “bad information.”<sup>14</sup>

The censorship regime is executed by both public and private entities. The Chinese government, through nine state-licensed companies, employs between 30,000 to 35,000 members of an Internet police force who effectively block access to thousands of sites.<sup>15</sup> Additionally, 11 leading news websites in China enforce

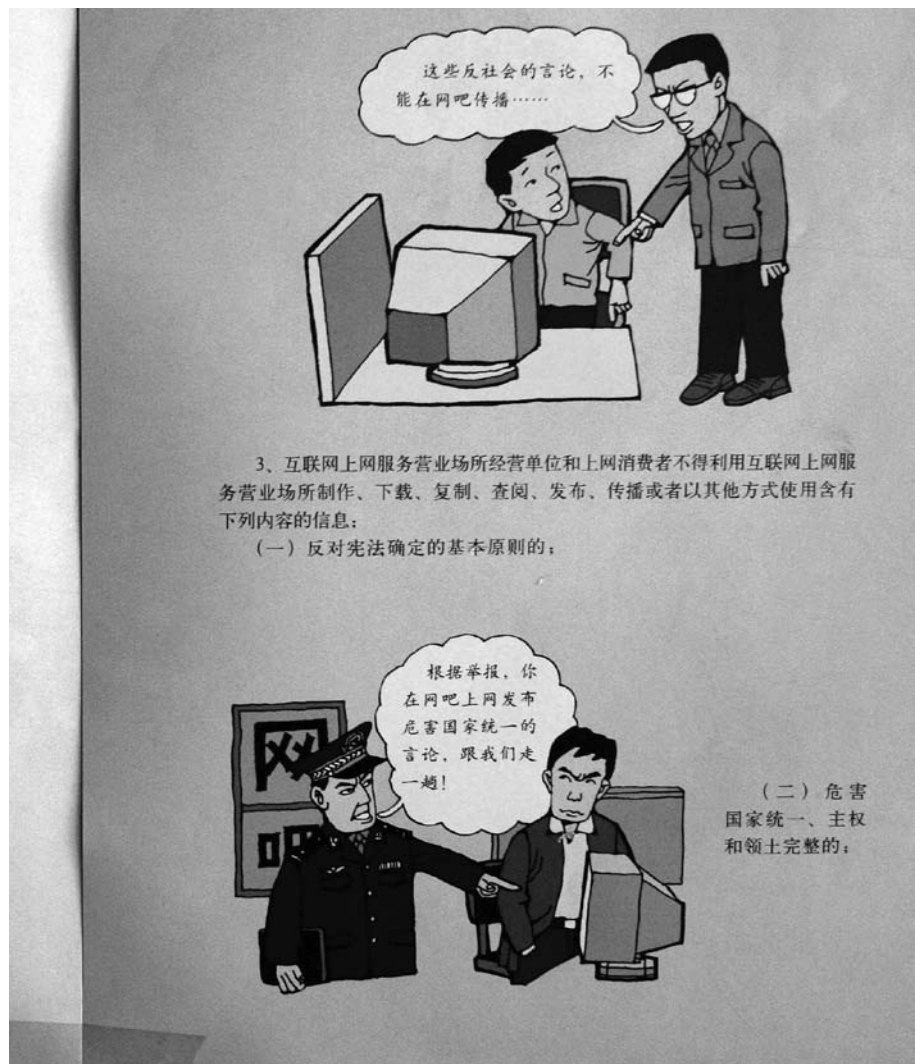
the principles established by President and Secretary General Hu Jintao, a new concept of socialist morality labeled the “Eight Honors and Disgraces.” The policy states, “We are in stern opposition to indecent on-line messages that undermine public morality and the cultures and fine traditions of the Chinese people. No indecent texts and photos, no search engines for such content, no links to indecent websites, and no games involving sex and violence.”<sup>16</sup>

Chinese Internet patrols secured pledges of self-censorship from 43 Beijing-based websites resulting in the closure of more than 200 chat rooms and the deletion of 1.5 million comments in April 2005 alone.<sup>17</sup> According to *New York Times* writer Olive Thompson, “One mistake Westerners frequently make about China is to assume that the government is furtive about its censorship. On the contrary, the party is quite matter-of-fact about it—proud, even.”

The government went so far as to introduce two anime-style cartoon characters, “Jingjing” and “Chacha,” in order “to publicly remind all ‘Netizens’ to be conscious of safe and healthy use of the Internet, self-regulate their online behavior and maintain harmonious Internet order together.” This places the burden of censorship on the users themselves, and reinforces the classic truth that “self-censorship is always far more comprehensive than formal censorship.”<sup>18</sup>

Internet cafes are immensely popular amongst China’s youth, mostly because they are unable to afford home computers.<sup>19</sup> The cafes themselves are a critical component in the state censorship machinery. The establishments employ security guards to monitor the activity of online patrons by watching closed-circuit televisions linked to the local police station. They use software called Internet Detective to record site visits, emails, and message boards.<sup>20</sup> Licenses are required to operate the cafes; 47,000 were closed in 2004 alone for failure to meet this requirement.<sup>21</sup>

Moreover, local bans have resulted in across-the-board closings. Gedong is



A sign posted at the entrance of an Internet cafe reads: “You should not spread antisocial material on the Internet” (top), and “Please come with me because you published materials to harm the unity of the nation” (bottom), in Beijing, China, July 20, 2006. (AP Photo /Elizabeth Dalziel)

one such locale. Zhang Guobia, party secretary of the surrounding Fangshan County, implemented a ban in the spring of 2006 under the assumption that “Internet cafes bring more harm than good to young people.” Zhang claims that “the harm to children is no less than drugs.”<sup>22</sup>

Censorship also lurks in China’s institutions of higher learning. Initiated by Shanghai Normal University and staffed by an all-volunteer corps of 500 fellow students, the body is known as the “harmful-information defense system.” Students like Hu Yingying enter online bulletin boards and act as “part traffic cop, part informer, part discussion moderator—and all without the knowledge of her fellow students...”

According to Ji Chenchen, another student moderator: “Our job consists of guidance, not control. Our bulletin board’s character is that of an official website, which means it represents the school. This means that no topics related to politics may appear.”

Students show surprise when the details of the system are revealed. According to one male undergraduate: “Five hundred members sounds unbelievable. It feels very weird to think that there are 500 people out there anonymously trying to guide you.”

Another student was more supportive of their efforts: “A bulletin board is like a family, and in a family, I want my room to be clean and well-lighted, without dirty or dangerous things in it.”<sup>23</sup>

## Web Logs Bloom

China's surveillance of the Internet reaches into the exploding world of web logs. All bloggers must register with the government and filter tools block subversive word strings.<sup>24</sup> Moreover, private companies that host these web logs are pressured to maintain a level of decorum managed by a staff of site moderators.<sup>25</sup> Yet 17.5 million Chinese citizens blog nonetheless, and 75 million consult these sites for information relevant to pop culture and occasionally political stories.

Qiao Ho, a Chinese teacher, reads and contributes to web logs to learn "... about things that are hot, like pop stars or new movies, and I can tell other people what I think. I can speak my own mind, and maybe somebody will reply."

Hong Bo, another blogger, recognizes the futility of government censorship of this domain: "The government still really wants to control opinions in the blogosphere, but the essence of the blog phenomenon is that it is uncontrollable."<sup>26</sup>

The futility of censoring web logs is evidenced by the plethora of recent revelations ultimately impacting the political process. Blogs have unveiled a toxic chemical spill in Northeast China and a crackdown on protesters in rural Guangdong that left 20 dead.<sup>27</sup> More impressively, bloggers prompted government action in 2003 when they protested police treatment of a young man in Guangzhou that ultimately led to his death. As a result, a new law protected the rights of homeless people.<sup>28</sup>

Li Xinde is one such brave blogger. He reports on corruption and human rights abuses, changing web addresses to stay ahead of Chinese censors. "They keep closing sites, but they never catch up," claims Li. "You can't stop the Yellow River from flowing, and you can't block the bloggers."<sup>29</sup>

## Don't Be Evil?

Perhaps the most controversial aspect of the Internet censorship regime employed by the Chinese government is the complicity of major American companies in facilitating the process. On the most basic level, China uses U.S. products from such

formidable companies as Cisco Systems, Sun Microsystems and 3Com for filtering purposes.<sup>30</sup> More extensive relationships exist between Yahoo, Microsoft and Google, and this is where the true controversy lies.

Yahoo was the first American Internet company to enter the Chinese market in 1999. They misunderstood Chinese culture from the beginning, failing to realize that Chinese citizens rarely rely on email, finding such messages impersonal. Instead, they prefer cell phones and text messaging along with live chat rooms. Baidu, a Chinese search engine launched in 2001, capitalized upon this.

Google launched a Chinese version of its home page in 2000. By the end of 2002, it amassed 25 percent of the search engine market in China, far surpassing Yahoo despite maintaining its location in California. The Chinese government blocked Google for a couple of weeks, perhaps to benefit its competitor, Baidu. Google is still slowed by the Great Firewall and blocked 15 percent of the time due to data jams.

Google eventually opened a Chinese office, censoring sites on google.cn, while maintaining access to its California-based site. Google signed an agreement as a Chinese Internet service in December 2005 and opened on January 27, 2006. The company does not offer email and blogging services inside of China.<sup>31</sup>

Google's censorship practices did not begin in China. The company is forced to play by the rules of each respective market it wishes to penetrate. For example, Google first filtered a search engine on a state's behalf to comply with hate speech codes in Germany, France, and Switzerland.<sup>32</sup> In China, Google.cn omits content the Communist government finds objectionable. Democracy, human rights, religion, and political dissent are among the topics blocked, and they are not alone in their complicity. Microsoft has excluded the words "freedom" and "democracy" from titles and postings on its blog service, Chinese MSN Spaces.<sup>33</sup> Yahoo went so far as to provide data from a personal email account that helped to convict Chinese dissidents.<sup>34</sup>

This coziness with the Chinese censors invoked the wrath of the United States Congress last February. Representative Tom Lantos (D-CA) was among the fiercest critics. During congressional hearings, he opined, "I simply don't understand how your corporate leadership [Cisco, Microsoft, Yahoo, and Google] sleeps at night."<sup>35</sup>

Representatives of the cornered companies insisted that their actions are based upon two suboptimal choices. Michael Callahan, senior vice president and general counsel for Yahoo, argued, "Ultimately, U.S. companies in China face a choice. Comply with Chinese law, or leave."<sup>36</sup> A spokesman for the Chinese Foreign Minister, Liu Jianchao, cemented the dilemma. "Any cooperation on economy and trade should be conducted within the framework of the law. We also hope relevant companies operating and developing business in China can abide by Chinese law."<sup>37</sup> Given this predicament, Jack Krumholz, Microsoft associate general counsel, asked rhetorically, "Would the Chinese citizen be better off without our services?"<sup>38</sup>

Google took perhaps the most heat for its actions in China given the company's slogan "Don't Be Evil." Andrew McLaughlin, head of global public policy at Google, offered the following defense: "We've made an empirical judgment ... that being able to hire Chinese employees and have them be part of the Google culture and be free-thinking, freewheeling Internet people ... when you add it all up, we think we're helping to advance the cause of change in China."<sup>39</sup>

However, in the aftermath of the global scorn heaped upon them, Google and Microsoft have since reconsidered their presence in China. Fred Tipson, Microsoft's senior policy counsel, admitted, "Things are getting bad. Perhaps we have to look at our presence there. We have to decide if the persecuting of bloggers reaches a point that it's unacceptable to do business."<sup>40</sup>

Google co-founder Sergey Brin was even more conciliatory. "We felt that perhaps we could compromise our principles but provide ultimately more infor-



### 1. Internet Filtering Abroad

In the United States, efforts to “filter” or block access to certain Internet websites are subject to the First Amendment, which protects citizens’ freedoms of speech, religion, and expression. Freedoms of speech, religion, and expression vary from nation to nation. Many countries grant their citizens rights similar to those found in the First Amendment, while other nations more tightly restrict these rights.

Assign students, working in small groups, to research the use of Internet filtering technologies in different countries for reports to the class as a whole. For ideas on countries to research, visit the Open Net Initiative’s interactive Internet Filtering Map at [www.opennet.net/map](http://www.opennet.net/map).

As a way to help students focus their research, suggest they explore the following questions.

- a. How would you characterize the government?
- b. What types of Internet content does the country attempt to make inaccessible?
- c. What are the reasons for blocking Internet access (political, religious, cultural, or others)?
- d. What technologies are used to filter Internet content?
- e. How effective is Internet filtering technology in blocking user access to banned websites? Can users, in other words, get around the filtering technology? Do users who try to get around the filtering technology risk punishment for doing so? If so, describe the punishments.
- f. What effect would a law or constitutional guarantee similar to the First Amendment have on current Internet filtering practices in the country (if such a law or constitutional guarantee does not exist in the country you research)? Would any of these filtering practices still be permissible?

Ask groups to deliver their reports. Note major points on the board for each country.

After reports have been delivered, discuss similarities and differences among countries. Conclude by asking students to draw generalizations about the way underlying social, political, cultural or legal concerns/factors influence government policies about Internet filtering in countries.

### 2. Internet Filtering in the United States

In 2000, Congress passed the Children’s Internet Protection Act (CIPA), which attempted to regulate access to certain websites. Ask your students to research some of the issues surrounding the CIPA and a legal challenge to the law that was ultimately decided by the U.S. Supreme Court in *United States v. American Library Association*, 539 U.S. 194 (2003). Suggest that they explore one or more of the following issues in depth, in small groups or individually.

- a. What did CIPA seek to accomplish? Who was directly affected by the legislation? Who else might have been affected by it?
- b. Several companies make Internet filtering software. Research the Internet filtering software offered by at least two different companies. What are some of the content areas that these software programs are designed to block? Describe the range. Are these content areas entitled to First Amendment protection? Why or why not?
- c. What is the story leading up to the U.S. Supreme Court decision in *United States v. American Library Association*, 539 U.S. 194 (2003)? Who was the plaintiff (the party initiating the lawsuit) in the original lawsuit and what was the plaintiff’s interest in bringing the suit against the United States? What arguments did the original plaintiff make against the CIPA? What arguments were made by the government in defending the CIPA against the challenge? What did the district court decide in the original lawsuit? (Note: The original lawsuit was heard in the United States District Court for the Eastern District of Pennsylvania. The district court’s decision was reported at 201 F.Supp.2d 401, 2002)
- d. What were the major questions about the CIPA that the Supreme Court considered in *United States v. American Library Association*, 539 U.S. 194 (2003)? Why did the United States, as petitioner, seek to reverse the ruling of the lower federal court? What arguments did the respondents make in favor of upholding the lower court’s ruling?
- e. What do the terms “overblocking” and “underblocking” mean with respect to the Internet? What First Amendment issues are raised by these terms? If problems of overblocking and underblocking could be fixed, would Internet filtering still raise First Amendment issues? Why or why not?
- f. Who is responsible for controlling access to websites under the provisions of the CIPA? Do you think the provisions about who was responsible for controlling access to websites under the CIPA strengthened or weakened a First Amendment challenge to the law? Why or why not?
- g. Finally, what did the Supreme Court decide in the case, and what was its rationale? Who dissented, and on what grounds?

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mation for the Chinese and be a more effective service and perhaps make more of a difference,” Brin said. “Perhaps now the principled approach makes more sense.”<sup>41</sup>

Some organizations like Human Rights Watch are hesitant to take technology companies at their word. They urge the United States and European Union countries to pass laws prohibiting domestically-based companies from storing personal data on computers in China.<sup>42</sup>

Bill Xia, a Chinese immigrant to the United States who operates a proxy site of his own to circumvent censorship in his home country (detailed below), conveyed his disgust with the collaboration of some American companies. Xia wrote in an op-ed piece, “I believe that information—that the truth—can change China. And I believe that the Communist regime has never really represented the Chinese people. Which leaves me with two questions for American and multinational companies like Google and Yahoo: Which China do you want to win over? And which China do you really want as your business partner?”<sup>43</sup>

### Wikipedia Won't Back Down

Wikipedia offers a notable alternative to the collusion exercised by its American peers. Jimmy Wales, founder of Wikipedia, has an all or nothing philosophy that varies 180 degrees from the approach adopted by Yahoo, Microsoft, Google and others. “We occupy a position in the culture that I wish Google would take up, which is that we stand for freedom of information, and for us to compromise I think would send very much the wrong signal: that there’s no one left on the planet who’s willing to say ‘You know what, we’re not going to give up.’”<sup>44</sup>

Wikipedia has been blocked off and on by Chinese censors. The Chinese-language version of the site, where mention of modern history and political issues is effectively filtered among the estimated 90,000 entries “... differs so significantly from its English counterpart that it sometimes reads as if it were approved by the censors themselves.” Chinese citizens

themselves contribute to this predicament, perhaps a product of a top-down educational system and censorship that reigns over the news media.<sup>45</sup>

“We’re really unclear why we would be (banned or censored in China),” Wales said. “We have internal rules about neutrality and deleting personal attacks and things like this. We’re far from being a haven for dissidents or a protest site. So our view is that the block is in error and should be removed....”<sup>46</sup>

Like other aspects of the “Great Firewall,” China’s chokehold on Wikipedia centers on the issue of control. Chinese censors blocked Wikipedia in October 2005, allowing Baidu to offer its own version of the site. Like Wikipedia, users are invited to write and edit their own entries, but content is censored and even requires prior approval. Rules prohibit criticism of government, description of terrorist events, “negative views of life,” or even entries considered “boring.” For example, the Tiananmen Square protests are ignored and only a negative view of homosexuality is posted.<sup>47</sup>

### Cracks in the Wall

Despite the complicity of American companies and China’s seemingly endless firewall across the information super-highway, cracks are emerging along its surface as the most democratic of media increasingly outpaces the army of censors. Proxy sites, as mentioned earlier, allow Chinese users to circumvent government censorship. Bill Xia’s Freegate is one such site. Operating out of North Carolina, Xia attracts 100,000 estimated users every day on Freegate and two other sites he created. He constantly changes the address of his U.S. servers to trump Chinese blocking efforts.<sup>48</sup>

Along similar lines, the “psiphon software” was developed at the University of Toronto’s Citizen Lab and offers an unencumbered connection to the Internet with a unique website, user name and password and leaves no trace of the connection on an individual computer. The notable drawback is psiphon must be downloaded on a computer outside of China or other oppressive countries.

This means individuals must have international contacts in order to access the software.<sup>49</sup>

Zivn, a Chinese Internet user, previously showed little animosity toward government censorship. “There were so many lies among the facts, and I could not find where the truth is,” Zivn claimed. He now uses proxy sites to connect to an unfiltered web and admits, “I am just gradually getting used to the truth about the real world.”<sup>50</sup>

Zivn’s journey, along with those of other Chinese “netizens” that access an uncensored web or who criticize their government through blog entries, have served to not only circumvent, but drill holes in the “Great Firewall.” According to Xia Qiang, director of the Berkeley China Internet Project, “The fact that Chinese officials are trying harder and harder means they’re actually having less and less control.” He continued, “Between now and the Olympics, it will continue to weaken. They are fighting a losing game.”<sup>51</sup>

*New York Times* writer Nicholas Kristof goes further. He contends that the very existence of the Chinese government is in peril on account of “netizens.” He pontificated, “I don’t see how the Communist Party dictatorship can long survive the Internet, at a time when a single blog can start a prairie fire.”<sup>52</sup>

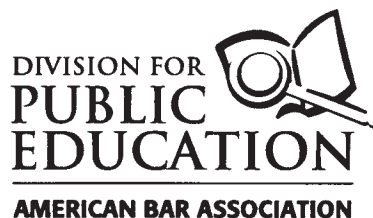
As millions of flowers bloom in the virtual world inhabited by Chinese citizens, the Communist country stands on the cusp of its next cultural revolution. Although the government will continue to nip these perennials in the proverbial bud, they will return anew brighter and bolder than ever. 🌸

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## Notes

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## RESOURCES

### American Library Association Office of Intellectual Freedom

[www.ala.org/ala/oif](http://www.ala.org/ala/oif)

This website provides a wealth of information about book challenges and banning and other intellectual freedom issues. Also useful is the section on Banned Books week.

### Electronic Frontier Foundation

[www.eff.org](http://www.eff.org)

The website of this U.S. advocacy group for electronic speech, privacy and other "digital" rights includes information about cases, analyses of electronic speech, privacy, and "digital world" issues.

### The File Room

[www.thefileroom.org](http://www.thefileroom.org)

This project is an ever-changing archive of the history of censorship in different contexts, countries, and civilizations. The site includes archives of cases, a bibliography, essays, and a "submit a case" section.

### First Amendment Center

[www.firstamendmentcenter.org](http://www.firstamendmentcenter.org)

This website features research about First Amendment issues and topics and news, including coverage of Internet issues and censorship of other media, a First Amendment Library, reports, and guest analyses by legal experts on a variety of First Amendment topics.

### McCormick Tribune Freedom Museum

[www.freedommuseum.us](http://www.freedommuseum.us)

The McCormick Tribune Freedom Museum is the nation's first museum dedicated to freedom and the First Amendment. The museum's website offers a variety of resources and activities for educators and students.