

Preface:

Thank you, Mr. Chairman and Commissioners, for your kind invitation to include my professional insights in this important hearing. Restricting the access of minors to adult web sites is an important issue in our increasingly electronic world. As the CEO of an industry leading Web company, I hope my comments prove to be useful to the Committee's work and ultimate findings. The protection of children from harmful and inappropriate content on the Internet is a goal that we share, and one I am pleased and eager to join with you in accomplishing.

Flying Crocodile, Inc. and the YNOT Network, Inc., properties that together provide information and services to more than 55 million adult Internet visitors each day, share your concerns regarding minors having access to explicit materials on the Internet. I sincerely appreciate having this opportunity to assist you in your efforts to effectively deal with this important issue.

The majority of adult Internet business owners understand the moral and financial implications of the continuing failure of the present system to restrict minors from gaining access to explicit materials. Minors cannot legally purchase such materials via the Internet. Further, the industry has no incentive to serve an underage audience. You can see we are on the same page in our desire to arrive at a solution quickly and effectively. This industry has every reason to be a pro-active and willing participant in the search for a lasting solution in this troubling area.

Unfortunately, some of the top adult websites have an under-18 demographic base that represents as much as 25 percent of their traffic (that is, on 1,000,000 unique visitors per day, they are visited by 250,000 minors per day). This industry condemns this situation and is morally opposed to it. In addition, this is 25 percent of the (very expensive) cost for goods sold that can be eliminated by building a sane, effective solution that will eliminate this pervasive and plaguing problem.

Every day, parents and educators face the problem of minor's access to explicit material. By exploring new and innovative ideas that will grow with the Internet, I am confident that this committee is in the unique position to get this important issue solved.

I am concerned, however, that some of the proposed solutions will create more problems than they solve. Following is a brief discussion of a few of these proposals, along with their associated drawbacks.

Top Level Domains:

One idea passed around for the last few years is the suggestion to create a new dot-porn or dot-XXX domain, then outlaw explicit adult content on all of the dot-com, dot-org,

and dot-edu domains. The tracking and enforcing of any new U.S. standard would involve creating a huge and very expensive new bureaucratic and technical infrastructure.

Also, while you can exclude explicit content on dot-com, dot-org, dot-edu and other domains, you will find it VERY difficult to pass enforceable laws regarding the content on sites in Russia (dot-ru), Japan (dot-jp), Canada (dot-ca) and other top-level foreign domains.

Additionally, there would be a MAJOR fight from adult Internet entertainment companies. These companies worry about the ease with which a single adult-content domain pipeline could effectively be crimped by industry critics who could drop traffic to and from these domains as a way to express conservative corporate policy. I think we can all imagine a reasonable scenario of a wealthy individual who objects to adult content buying Teleglobe™ or PSI Net™ just to drop any packets on the dot-XXX domain. Traffic on this single domain could also be unilaterally limited by a state or local governmental agency under the pretense of freeing up bandwidth. The adult companies have real concerns of this kind of private or state censorship, and therefore, are eager to work on more parent- or individual-centric solutions.

I also fear that the imposition of this proposed solution would unfairly discriminate against the adult online industry, which I remind you is a perfectly legal industry. Indeed, our industry is protected by the fundamental law of the land – the United States Constitution. Minor's access to these sites can be accomplished without the unfair, and potentially illegal, imposition of a discriminatory domain.

Hence, I strongly feel that a dot-XXX domain is a very inappropriate and inefficient solution to this issue.

Age Verification Systems:

Age Verification Systems will work to a degree, but only if a new system is put into place (the current systems are not extensive enough). A "boilerplate" of technical and business standards and processes for an AVS system would have to be invented and then backed by the government on a license similar to the one Network Solutions has now. This system might work if all adult Web sites were legally instructed to use the government-regulated system or face enforcement action.

However, proving age over the Internet is a very difficult issue. Credit cards are insufficient as age verification. Many 16-year-olds with bank accounts now have VISA and MasterCard debit cards that work as credit cards online. Another rock solid, impossible-to-circumvent proof of age mechanism would have to be invented. On this, I have no immediate ideas.

Additionally, AVS systems are less desirable because they do not harness the technical power of the Internet in regards to filtering and labeling mechanisms.

Filtering, Labeling and Rating:

I will prepare my full statement on Filtering, Labeling and Rating in time for the July 20-21 hearing, that I hope to attend in person and present written and oral testimony.

I believe that this is a problem which we can work together to solve. It is very important, however, that heavy-handed or ill-considered solutions are not adopted. By embracing creative solutions, we can effectively exclude minors from adult Internet content without violating the fundamental rights of adults, or by crippling a legal industry with Byzantine regulations.

I know that this Commission is committed to developing workable and fair solutions to the challenges posed by an interconnected society. I stand ready to work with you, and I trust that together we can assure a safe online environment for children and adults.

Again, my thanks to this Commission for inviting my input, and I do sincerely look forward to working with you as this process continues.

Kind regards,

Andrew Edmond