

Commission on Child Online Protection
Meeting Minutes
July 21, 2000

Present: Commissioners Telage (chair), Rice Hughes, Vradenburg, Berman, Parker, Horowitz, Ganier, Flores, Bastian, Balkam, Schmidt and Talbert.

Janet Evans sat in for Commissioner Peeler and Kelly Levy sat in for Commissioner Rohde.

Meeting began at 1:30 p.m.

Chairman Telage began the meeting by noting the topics the Commission planned to discuss: (1) the state of the Commission's private and public funding; (2) the status of plans for Hearing 3; and (3) the Commission's report.

Funding

1. Private funding

Chairman Telage reported that he has received pledges of funding from AOL (\$10,000), Commissioner Ganier (\$10,000), and PSINet (\$10,000). Network Solutions (now part of Verisign) has contributed \$30,000, for a total of \$130,000 spent on staff to the chair and other direct Commission costs. The NSI money will pay for Kristin Litterst's services through August 4 only, and \$10,000 of the other pledged funds has been committed for witness travel for the third hearing (August 3-4, 2000).

Chairman Telage said that he planned to speak to Commissioner DeRosier later on July 21, and that he would ask DeRosier to be the fiscal agent for the Commission. Commissioner DeRosier has also volunteered to lead the Commission's effort to raise privacy funds on the condition that others volunteer to help.

Commissioners Berman and Vradenburg volunteered to assist with private fundraising.

2. Public funding

Commissioner Telage reported that an agriculture supplemental bill was in conference, but that it is very uncertain whether that bill will include funding for the Commission. Commissioners Berman, Flores, and Rice Hughes have volunteered to come up with an action plan for forwarding the progress of legislation funding the Commission.

Commissioner Telage noted that it is obvious that the Commission will require additional funding after August 4, when the NSI money and other pledged funds run out.

Commissioner Vradenburg asked how much money the Commission needed to get through the end of November 2000. Kristin Litterst and Chairman Telage responded that the amount was probably less than \$250,000. Chairman Telage has prepared a budget covering this period. Commissioner Vradenburg noted that it would be useful to tell funding sources that that was the level of support that was needed. Chairman Telage noted that the scope of the Commission's budget depends in part on the intensity of interaction planned by the Commission in connection with its report.

Hearing 3

Commissioner Balkam reported that planning for Hearing 3 was in better shape than it had been, but that there was still much to be done. He noted that there will be a strong panel on other technologies and methods for this hearing, but that the globalization panel has only the equivalent of half a person on it, and the new technology panel has only the equivalent of two and a half people on it (out of twelve the planning subcommittee for Hearing 3 has considered). Commissioner Balkam noted that non-industry people needed travel support to be witnesses at Hearing 3. There will be a conference call to further plan Hearing 3 at 11 a.m. on Monday, July 24.

Commissioner Schmidt reported that the Hyatt St. Clair (spelling uncertain) is the closest hotel to Hearing 3. Attendees will be unable to drive through the campus, and the hearing room is a two-block walk from any parking structure. The hearing room is 50% larger than the University of Richmond hearing room was. The Commission will be the guest of the School of Library Science at the University of San Jose. Yahoo! has agreed to pay for telecommunications/computer links needed for Hearing 3.

Chairman Telage asked whether there would be an opportunity for another dinner in San Jose for the Commissioners and staff. Kristin Litterst said that she would work on arranging this.

Commissioner Telage asked that Commissioners assist in locating and contacting witnesses for Hearing 3. Commissioner Balkam noted that vacation schedules and the Republican convention were making it difficult to obtain witnesses.

Report

Summary of decisions:

1. Commissioners to provide comments with respect to the draft set of technologies and methods attached to these minutes (and questions to be asked with respect to these technologies and methods) by July 31.
2. Report Subcommittee to provide on August 4: (a) questionnaire re final set of technologies and methods and questions to be asked; (b) sample responses to one portion of questionnaire to show how process will work; (c) annotated outline of report with proposed table of contents; (d) proposed schedule for post-August 4 report meetings; and (e) proposed plan for small group meetings.

3. Commissioners to respond to questionnaire and provide an informal memo with respect to their overall positions (and initial proposed recommendations, if any) by August 18.

Chairman Telage stated that the report presents the Commission with a difficult challenge. Staff has been thinking through the problems presented by the report. Chairman Telage noted that even if the Commission receives no public funding (and only small amounts of private funding) a significant number of meetings will be needed for the Commission to reach consensus on its recommendations.

Chairman Telage asked the Commissioners to read through the COPA sections dealing with the report, and asked the Commissioners to focus on the charter given them by Congress.

Chairman Telage noted that the report needs to be finished by October 1. This means that (given August vacation schedules), the Commission has just one month to write its report.

Commissioner Vradenburg asked how many commissioners were needed to agree on the report to allow it to issue. David Johnson said that the statutorily-defined quorum (nine commissioners) needed to be present for the Commission to act. It was agreed that a majority of the statutory quorum (or five of nine commissioners) would need to agree to approve the report. Commissioner Flores noted that the Commission could adopt any rules it needs to allow it to operate.

Chairman Telage moved to a discussion of a draft recommendation dated July 17 prepared by his staff (attached). He noted that the Report Subcommittee had not approved any aspect of this draft recommendation, and that it was merely a suggestion of a way to proceed.

David Johnson, on behalf of Chairman Telage, discussed the draft recommendation. He noted that if the Commission took seriously its need to analyze each technology and method discussed during the hearings with respect to all the questions raised by Congress in COPA, this would be a very large task. Johnson said there was a need to (a) consolidate sets of technologies and methods and to (b) settle on the questions that would be asked with respect to these technologies and methods.

Chairman Telage asked that Commissioners provide comments with respect to the July 17 draft set of technologies and methods (and questions) by the close of business on July 31.

Commissioner Rice Hughes noted that the staff of FamilyClick had agreed to collect and organize the answers to the filtering/labeling questionnaire sent out by the Hearing 2 organizers.

David Johnson said that it would be necessary to do as much work as possible on the report during August. The July 17 draft contemplated a three-stage process: (1) analyze technologies and methods; (2) present and debate recommendations; (3) draft individual statements and prepare the report, including appendices. Given the shortness of time, it would make sense to start the recommendation drafting process during August. This would provide useful input for the analysis of technologies and methods, and would allow Commissioners to see where consensus was emerging and where there was need for further discussion.

Chairman Telage emphasized that the report would have three sections following any executive summary: a set of voted-on recommendations, approved with supporting documentation; an analysis of the technologies and methods with respect to their effectiveness and costs and adverse impacts (obtained by ranking factors on a scale of 1-10), presented in a graphical fashion accompanied by explanatory text; and individual statements, open-ended but limited in length. Chairman Telage noted that the development of the report will require the Commission to interact in a way it has not yet done. An alternative way to proceed would be to get staff going on a draft report, edit it collectively, and then have Commissioners sign on. Chairman Telage noted that this method might be easier but would not be as useful to Congress.

Commissioner Vradenburg said that he believed it would make sense for staff to begin by preparing an annotated outline and table of contents in preparation for the August 4 meeting of the Commission. He noted that he had thought at first that the analysis of technologies and methods proposed by the Chairman's staff was too complex, but that he now believes that this process will be valuable to show agreement and lack of agreement. Commissioner Vradenburg suggested that both processes (report drafting and analyses) occur simultaneously.

Chairman Telage supported the idea of an annotated outline. He asked that the Report Subcommittee provide the Commission with sample sections of the report.

Commissioner Vradenburg said that a table of contents and outline would be essential to provide some sense of context for the issues faced by the Commission.

Commissioner Berman suggested that the Report Subcommittee prepare trial analyses of technologies and methods, and provide the Commission with sample narratives regarding what was meant by the ratings provided. Such a sample will assist the Commission in developing talking points and support for (or opposition to) particular recommendations, and will avoid confusion when open discussion begins.

Commissioner Talbert noted that it would be helpful to request recommendations from witnesses.

Commissioner Balkam suggested that in light of the shortness of time a Commission retreat in early September would be useful. He also noted that he and others will not be available on September 8 (and days close to that date) due to a meeting in Germany.

Chairman Telage noted that the Commission should decide whether to schedule such a retreat in light of the Commission's lack of funds.

Commissioner Vradenburg requested that each Commissioner provide in response to the questionnaire concerning technologies and methods a memo summarizing their initial positions or feelings with respect to the overall questions presented to the Commission. Commissioner Schmidt added that this initial memo should include plausible outcomes or recommendations for the Commission to consider.

Chairman Telage said that the Report Subcommittee would provide an agreed-upon list of technologies and methods (and questions) by August 4. Based on that list, staff will send to the Commissioners a voting template. Commissioners should respond with any textual comments they have in addition to their votes, and include a statement regarding their view of what the Commissioners should do. The deadline for responses to the questionnaire/template will be August 18.

Commissioner Berman expressed a wish to speak off the record about the Commission's work and have candid discussions. Commissioner Rice Hughes said that it would be helpful to have small groups for private discussions. David Johnson said that the Report Subcommittee would provide suggestions for smaller groups. Chairman Telage noted that the Report Subcommittee would also suggest a timeline for meetings following August 4. The report will take at least two weeks to produce, and the Commission must audit its finances before dissolving.

Hearing 2

The Commission briefly discussed Hearing 2. Commissioner Telage noted that the time structure of the hearing had presented challenges. Commissioner Parker noted that the quality of the witnesses had differed widely, and that organizers needed to make sure that Hearing 3 witnesses provided real data and information. Commissioner Balkam agreed to stress the five minute rule and to ask for figures. Commissioner Flores suggested that Chairman Telage interrupt witnesses if they are running over time.

The meeting adjourned at approximately 3:15 p.m.