**MySpace isn't Mommy**

If the Internet is to flourish, websites can only go so far in acting as online surrogate parents to protect children.

February 16, 2007

A FEDERAL JUDGE in Texas delivered an important message this week about the responsibilities of websites and their users, ruling that MySpace.com should not be penalized for an alleged sexual assault involving two people who met through the popular online service. Striking an appropriate balance, the decision does not give sites carte blanche to ignore the risks that minors face, yet it places the duty to protect them squarely on the shoulders of their parents.

At the heart of the case are two Texas teens: a 14-year-old girl and a 19-year-old community college student, whom authorities have indicted for sexual assault. The girl created a MySpace page when she was 13; to get around MySpace’s requirement that members be at least 14, she claimed to be 18. The 19-year-old found her page and contacted her through MySpace, claiming to be a high school senior. She told him she was a high school freshman. Eventually, the two exchanged phone numbers, and after several weeks they got together for dinner and a movie. The alleged sexual assault took place that night.

After the student was indicted, the girl and her mother sued MySpace and News Corp., its deep-pocketed parent, claiming that the site was negligent in failing to protect the girl. Among other things, the plaintiffs blasted MySpace for not being able to verify that its users are at least 14 years old. That complaint has also been voiced by state attorneys general, who have pressed MySpace to exclude anyone younger than 16.

The problem is that this argument ignores how easy it is to spoof an identity online. It can be as simple as borrowing a driver’s license and credit card from a relative or older friend. As U.S. District Judge Sam Sparks noted in his 14-page order, requiring MySpace to attempt the impossible and confirm ages would effectively shut it down, eliminating one of the Internet’s most popular means of communication and personal expression.

Sparks’ decision to dismiss the lawsuit was based mainly on the 1996 Telecommunications Act, which exempted websites and Internet service providers from responsibility for what their users said online. The law also states that those providers can’t be held liable for adopting imperfect protections against indecent or harmful content — a provision aimed at encouraging sites to do the best they could to safeguard users. To its credit, MySpace has taken several steps to guard against sexual predators, such as limiting the contact between adults and users who say they are younger than 16 years old. It is also lobbying state legislatures and Congress to require convicted sex offenders to register their e-mail addresses, and it plans to unveil software that could help parents see how their children are identifying themselves on MySpace.

These steps, however, probably won’t turn MySpace into a predator-free zone. Nothing short of direct monitoring of every user, page and post could do that, and that’s just as distasteful as having an Internet service provider monitor e-mails or a phone company listen in on calls. And even if all of MySpace’s new safeguards had been in place last year, they probably wouldn’t have stopped the alleged assault on the Texas teen. After all, the most vulnerable youths often are the most resourceful ones. Their parents and teachers are in a much better position to arm them against the risks than a website could be.