

## The Governance of Cyberspace: Racism on the Internet

*'The Internet has revolutionized communications, bringing enormous benefits. But we cannot afford to ignore its negative aspects-the potential to spread "hate" material that not only offends, but seriously threatens racial harmony and public order.'* **David Capitanchik and Michael Whine**

### Summary

The potential of the so-called 'super-highway' to inform, educate, entertain and conduct business on a worldwide scale has caught the imagination of millions. At a relatively modest cost, and often at no cost at all, vast quantities of data can be transmitted around the globe - a multimedia form of communication combining all hitherto known means such as printing, the telephone, photography, radio and video. All that is required is a relatively cheap personal computer, a telephone line and a modem or connection to a cable operator. Among other things, the Internet has provided a vast range of political parties and pressure groups with the unprecedented opportunity to disseminate their publications and messages to an international public, and even to interact with them on a one-to-one basis. The benefits of the Internet, it must be said, far outweigh its negative aspects. Nevertheless, these cannot be ignored. In this Policy Paper, David Capitanchik and Michael Whine consider the current debates about free speech on the Internet and the issues raised by its exploitation by antisemitic and racist groups. Much attention has focused on the presence of pornography on the 'net', especially in the so-called 'First Amendment' controversies in the United States. However, in most European countries and around the world, incitement to racial hatred is also a criminal offence. To many, its appearance on the Internet is just as disturbing. Although it has received less attention than pornography, 'hate' material, in the form of attractive Web pages and discussion groups or sent by e-mail, not only offends, but also seriously threatens racial harmony and public order. The Internet provides far-right groups with the means to communicate and organize, as well as to distribute neo-Nazi material which is illegal in jurisdictions other than that of the United States. The Internet has now emerged from the university laboratory into the public domain and the numbers of those with access to its various facilities are booming. Access to the Internet is provided for the domestic user by major international companies as well as in universities, colleges, and increasingly in schools. This Paper concludes that because of its ubiquitous nature and, above all, its appeal to young people, it is essential now to formulate an Internet policy. It proposes a number of policy recommendations for organizations in the public, private and voluntary sectors which provide access to the Internet.

## 1/ The Internet debate

Inevitably, this powerful and ubiquitous medium has given rise to concern about its impact on thought and behaviour, and it should not be surprising that there is growing anxiety about the use of the Internet for undesirable anti-social purposes.

Pornography, according to a recent newspaper article, is fast becoming what the Internet is best known for.(6) Its dissemination has been the focus of much attention if only because the Internet is accessed so easily by young people. Most of the material to be found on the Internet, however, originates in the United States where the law and constitution have been interpreted as upholding the right to virtually unlimited free speech. It is in the USA that the most vigorous debates are being waged around what should, if anything, be done to control it. In June 1995, the US Senate passed an amendment to an omnibus Telecommunications bill, entitled the Communications Decency Act, giving the Federal Communications Commission the power to regulate 'indecent' on the Internet. A number of state legislatures are considering similar legislation. The Act, sponsored by Democratic Senator James Exon of Nebraska, has been fiercely attacked by Internet enthusiasts and operators who argue that it is both unconstitutional and unworkable. They maintain that the Exon bill means, for example, that if a literary magazine were to put its contents on-line and include a short story containing a four-letter word, the editor could be liable to a punitive fine and up to six months in jail.(7) Democratic Senator Diane Feinstein of California introduced a bill, following the Oklahoma City bombing, aimed at removing bomb-making guides from the Internet.(8)

The debate over free speech on the Internet came to a head in early December 1995. A committee of the House of Representatives, considering the Telecommunications bill, agreed to language that opponents claimed would make criminal 'indecent' images or speech on-line with fines of \$100,000 and two years' imprisonment for violators.(9) The American Civil Liberties Union has been taking the lead, along with sixty other groups, in supporting free speech on the Internet, arguing that indecent (but not obscene) speech is 'constitutionally protected'.(10) James Warren, who writes a column for *Microtimes* and other computer technology magazines, argues that those who advocate controlling speech on the Internet 'should not use the excuse of a different technology as a rationale for imposing different standards on speech'.(11)

On 1 February 1996, however, the US Congress voted overwhelmingly to approve the Telecommunications bill (HR1555/S652). The House approved the measure by 414 to 16, while the vote in the Senate was 91 to 5.(12) This huge omnibus measure, designed to remove sixty-two-year-old legal barriers preventing the telephone, cable and broadcasting companies from owning parts of each other's industries, also incorporated the Communications Decency Act restricting 'indecent' speech on the Internet. The new Act makes it a crime for persons knowingly to send 'indecent' material to minors over the Internet and obliges the manufacturers of television receivers to install computer chips in new sets so parents can block violent programmes. The Act was passed so soon after the bill completed the committee stage that neither the public at large nor any special Internet group had a proper opportunity to consider the proposed legislation. Internet activists immediately reacted, calling the new legislation too broad and probably unconstitutional. There is general agreement among experts that the enforcement of the new regulations will be difficult, if not impossible. Moreover, several organizations have already vowed to fight the measure in the courts once it becomes law.

Whatever the fate of the current proposals for regulating cyberspace, the concerns they reflect will not go away. In the United States, at any rate, the Internet has become a First Amendment battleground. In particular, whether the Constitution protects repugnant or defamatory speech in this new medium has been the subject of

controversy.

Elsewhere in the world such a defence does not exist. Most countries have strict laws against the publication and distribution, by any means, of pornographic and other anti-social material. Britain has recently seen its first successful prosecution and imprisonment of an individual for downloading pornography on-line. Furthermore, in December 1995 a major Internet access provider, CompuServe, was informed by the local state prosecutor in Munich that material contained in about 200 groups on the Usenet (i.e. Internet discussion groups) violated German law. This took place when the prosecutor turned up at CompuServe's Office in Munich unannounced to search for offending material.

In response, CompuServe temporarily restricted all its members' access to these groups. Due to the centralized nature of CompuServe's network, it was not possible to restrict access on a country-by-country basis. Thus, access by its members to those groups was restricted on a temporary basis worldwide until CompuServe was able to implement the appropriate filtering software. This action produced an outcry, not only from CompuServe's members in the US and around the world, but especially from advocates of free speech everywhere. The critics claimed that the values of the essentially conservative state government in Bavaria were being forced upon CompuServe's members worldwide. However, according to *The Economist*, the case does serve to highlight two important points: that the Internet can be regulated like any other medium, be it printed or electronic; and that regulation ought to be at the point of delivery rather than origin, controlling what people take off the Internet, not what they put on it.<sup>(13)</sup> In general, across the world there are signs of growing alarm among governments about pornography and other undesirable material on the Internet. According to a recent newspaper report Germany is conducting an investigation of on-line services including America Online (AOL), the world's biggest, to see if such services 'can be held responsible for the material carried on their networks'. According to the German Research and Technology Minister Jurgen Ruttgers, Bonn respects free speech, but cannot tolerate a free-for-all on the Internet. Ruttgers wants to make it impossible to download child pornography 'and neo-Nazi diatribes such as Toronto-based Ernst Zundel's article "Did 6 Million Really Die?", which is illegal in Germany, but freely available on the Internet'.<sup>(14)</sup>

Impressionable young people, whose manifest technology and communications skills mark them as potential leaders of the next generation, are obvious targets for political extremists using the Internet to avoid legal sanctions. Anxiety about this has been heightened by the increasing utilization of the Internet by neo-Nazis intent on spreading race hate material.

Racist material on the Internet has not, until now, been subject to the same supervision as pornography and this has provided previously undreamed of opportunities for racists, terrorists and other extreme elements to promote their aims and ideals and to access each other's ideas and resources.

It is in the nature of the Internet that it is difficult to monitor. Its size and the ease by which the origins of messages can be disguised ensure that no agency has been willing or able to devote significant time or resources to investigate so-called 'hate' material. Neither the FBI nor the Metropolitan Police in the UK have been monitoring race hate Bulletin Boards (electronic notice boards), although the latter have recently confirmed that there has been internal discussion about the matter.<sup>(15)</sup> Somewhat belatedly American government agencies have been investigating the publication of bomb-making manuals on the Net.<sup>(16)</sup>

The German Office for the Protection of the Constitution (BfV) has noted the use being made of the Internet, and other electronic means of communication, to evade state surveillance.<sup>(17)</sup> It can be assumed, therefore, that

they have been monitoring the Internet, at least for counter-terrorism purposes.

Concern appears to be growing about the provision of facilities for racist groups to access the Internet either deliberately, by non-racists acting on behalf of free speech, or inadvertently, by reputable companies unaware that their Internet publicity material might be just a 'click away' from the sites of hate organizations.

Some of America's leading universities, it seems, are being used by free speech activists to make Nazi propaganda available in Germany. A recent newspaper article<sup>(18)</sup> states that through the activities of such activists the University of California, Carnegie-Mellon University and the Massachusetts Institute of Technology (MIT) have all become hosts to copies of a Nazi web site carrying Ernst Zundel's Holocaust denial material which is illegal in Germany and to which the German telecommunications authorities have been trying to block access.

While many may accept the presence of neo- Nazis on the Internet as the price of free speech, it is doubtful whether reputable business organizations would welcome their logos appearing in such close proximity with hate groups as to create the appearance of sponsorship. This has been the subject of an article on Time-Warner's Pathfinder site on the Internet, which discusses a commercial Hollywood site called GeoCities. GeoCities offers 'Premier Communities' in the form of free pages for its users. Known as 'virtual homesteaders', some 25,000 groups have set up pages, the politically active ones residing in a 'Community' called 'Capitol Hill', which is devoted to political and national affairs.<sup>(19)</sup>

GeoCities' commercial sponsors are probably unaware that their banners are adorning sites which include, among others, Tom Metzger's White Racist Web Page, the New Aryan Movement, Zionwatch, the National Party, Independent White Racialists, Blood and Honour, and the Hate Page. The Resistance Records Home Page, which sells White Power records, will take credit card orders and the trademarks of both Visa and Mastercard are prominently displayed. They appear a few inches only below SS-style death skulls and record titles like 'Aryan New Storm Rising'

6 Paul Vallely, 'Sex on the net: a very modern morality tale', *Independent*, 6 January 1996.

7 E. Diamond and S.Bates. 'Law and order comes to cyberspace', *Technical Review*, October 1995.

8 See Diamond and Bates.

9 *Interactive Age Media and Marketing Report*, 12 December 1995.

10 Ibid.

11 Keith Stone, 'Jewish organization asks Internet providers to cut access for hate groups', *Los Angeles Daily News*, January 1996.

12 *Reuters Tech News*, 1 February 1996.

13 *The Economist*, 6 January 1996.

14 *Aberdeen Press & Journal*, 5 February 1996.

15 Conversations between M. Whine and the Metropolitan Pplice, 1994 and 1995.

16 Ibid.

17 Dr Eckart Werthebach, *Verscharfen sich Extremismus/Terrorismus in einem Europa offner Grenzen?*, BfV, 12 September 1994.

18 Andrew Brown, 'Internet activists foil ban on Nazis', *Independent*, 3 March 1996.

19 Steve Baldwin, 'Nazis in the virtual hood', *Digital Pulse*, 18 January 1996.

## **2/ The far right and the Internet**

The term 'far right' is generally used to describe groups with a neo-Nazi or radical nationalist and racist ideology or pedigree. Many of these groups regard themselves as successors to the Nazi regime of Hitler's Third Reich; others, especially in the United States, are more influenced by the radical racist nationalism of national revolutionaries such as Julius Evola, and Georg and Gregor Strasser. Still others follow the 'leaderless resistance' ideology of Louis Beam, formerly of the Ku Klux Klan, now of the Aryan Nations.

Skinheads have also been utilizing the Internet for various purposes, although they have a less intellectual outlook. For them, Jews, anti-fascists and foreign workers are all 'scum' to be harassed, expelled or murdered; the vilification of 'others' serves to define their own identity in an ever-changing world. The membership and number of violent crimes attributed to skinhead groups have been rising fast. The Anti-Defamation League estimates that there are some 70,000 committed 'skins' around the world with branches active in 33 countries including New Zealand and Japan.<sup>(20)</sup> According to the anti-racist group Klanwatch, the likelihood of violence is enormous when skinheads get organized and the Internet is enabling them to get organized as they have never been before.<sup>(21)</sup>

For the far right the Internet is of considerable and far-reaching significance:

*The unique nature of the Internet makes this the information battle-ground of the future ... by contrast television and radio require the creation of broadcast quality programmes, and reaching listeners and viewers is tied to the amount of money one can afford to spend. Books, magazines and other printed materials are durable and inexpensive, but no way near so freely available, and can be confiscated by oppressive governments . . . Internet users, though, enjoy free access to virtually all information on the system and new features are*

*becoming available to allow researchers ... to find everything on the Internet in their areas of interest.*([22](#))

Holocaust denial is the link which binds many far- right organizations. The denial of historical truth and the Nazis' crimes against humanity have been made a priority by today's neo-Nazis. Fifty years after the end of the Second World War they are seeking to re-establish their political legitimacy and they therefore portray the Nazi crimes as a myth or they belittle them in order to gain the support of a new generation.

The Institute for Historical Review (IHR) in California is a major promoter of Holocaust denial with pseudo-academic pretensions. It holds annual seminars which attract such luminaries as David Irving, Ahmed Rami and Robert Faurisson, and it has a major presence on the Internet. In a recent issue of its newsletter, *IHR Update*, the Institute reports the following:

*So far only a few IHR leaflets and selected IHR journal articles are available on the Internet WWW (World Wide Web), although new items are being added as time permits. Also available is a listing of every article that has appeared in the Journal, allowing callers to quickly search for titles and authors. The multi-media nature of the World Wide Web means that IHR materials are available in a very readable and even attractive layout and style. Internet users around the world can also save copies of IHR material on their personal computers for later study, or for reprinting and distribution . . .*

*We are seeking funds to make this an IHR priority, so that eventually just about everything that's appeared in fourteen years of the Journal of Historical Review will be available on the Internet.*([23](#))

The IHR provides instructions on how to access its material on the Internet: 'Every computer user with full Internet access was invited to access IHR materials on the World Wide Web.'[24](#) Holocaust denial material now has its own newsgroup,[25](#) 'alt.revisionism'. Denial material also appears on various alt.politics and talk.politics newsgroups. In 1991, Mark Weber of the Institute for Historical Review published a series of articles on the newsgroup talk.politics entitled 'The Holocaust—let's hear both sides, revisionists challenge extermination story'.

During 1993, intense Holocaust denial propaganda coupled with vehement antisemitism were published on the Swedish FidoNet BBS by two individuals using the aliases 'Fritz Goldman' and 'Oscar Andersson'. The former also uploaded a denial file to several BBSs which included an accurate Swedish translation of the *Leuchter Report*. This report is a major denial publication by Fred Leuchter, a self-proclaimed gas chamber expert, who claimed to have carried out a forensic examination of the gas chambers at Auschwitz from which he concluded that there were insufficient traces of cyanide for there ever to have been mass gassings of Jews. A subsequent court case in his home state of Massachusetts exposed Leuchter's lies. He has been expelled from the UK and a short time later he was fined and expelled from Germany. He was due to stand trial in Mannheim in September 1994 on other charges, but failed to return from America.

Holocaust denial material has appeared in other newsgroups. For example, Michael A. Hoffman II, an American well known for denying the truth of the Holocaust, together with an Alan R. Critchley, published an article on 21 March 1995 entitled 'Spielberg commits fraud in film *Schindler's List*' on the soc.culture.Palestine newsgroup. In their article the authors attempt to prove that *Schindler's List* and the book upon which it is based, *Schindler's Ark*, are no more than a sophisticated hoax. They state that portions of their article first

appeared in *Revisionist Researcher Magazine*, published in New York.

20 Michael McCormack and Crawford Killian, 'Fascism Begins at Home', *.net magazine*, October 1995

21 Ibid.

22 *IHR Update*, California, February 1995.

23 Ibid.

24 Ibid.

25 Newsgroups are Internet discussion groups to which participants subscribe, usually free of charge.

### **3/ The Internet as a means of communication**

So-called 'hotlines' and BBSs serve also as a means of communication between far-right groups. The Internet, and e-mail in particular, are now used extensively to provide local and international communications for the price of a local call.

According to a press article, two leading figures in the Scottish Anti-Nazi League were subjected to a campaign of telephone death threats from neo-Nazis after their names appeared on-line. This appears to be the first example of the use of the Internet for this purpose in the United Kingdom.(26)

On the whole, British neo-Nazis tend to be markedly less sophisticated and organized than their foreign counterparts, while German neo-Nazis are known to have been developing inter-computer communications since 1980. The so-called Thule Network was developed specifically to allow different German neo-Nazi groups to communicate with one another.(27)

The computer magazine *Chip* estimates that about 1,500 German far-right extremists are active on the Thule Network. This consists of at least twelve Bulletin Boards, and derives its name from the small elite 1920s movement considered to be the forerunner of the Nazi Party. Names of anti-fascist activists, codenamed 'Zecken' (Ticks), as well as judges and journalists can also be obtained. Code names such as 'schone Madchen' (beautiful girls) have also been used to refer to the police.(28) It is believed that the Thule Network is located in Baden-Wurtemberg, Bavaria and North Rhine-Westphalia.

The precise planning of German neo-Nazis, and their strategy of remaining in small groups, rather than amalgamating with one or two large umbrella organizations, has been facilitated by the use of the Internet.

*Police have recently been baffled by the precise, military-style planning of neo-Nazi actions. Provided with passwords such as Germania or Endsieg (final victory), from a post office box, personal computer schemes will*

*display a calendar of forthcoming neo- Nazi events and list contact numbers of leading right wingers ... On Remembrance Sunday police saw in action, for the first time, computer planned co-ordinated neo-Nazi action, involving the widespread use of secret codes and radio communication . . . 'The advantage of electronic mail boxes is that they are free of censorship and bug-proof, said Karl- Heinz Sendbuhler of the National Democratic Party.(29)*

*The stated aims of the Resistance Bulletin Board Service networks are to strengthen links between German neo-Nazi groups, rally support for their cause and raise funds for their neo-Nazi 'political prisoners'. They are said to operate through a telephone line in the Bavarian town of Eriangen and can only be accessed by use of coded passwords.(30)*

In 1994, a Norwegian neo-Nazi group, Fedrelanspartiet Youth (FLP), stated that its sponsored Bulletin Board, Nasjonal Allianse BBS, was used to establish links with the German Thule in order to exchange regular reports. When the BBS was exposed in the *Aftenposten* daily newspaper, Arnljot Moseng, the FLP leader panicked and closed it down.(31)

In 1994, a message defending the British National Party's ban on Combat 18 appeared on the Internet, apparently originating from Norway. Although no further details are known, this appeared to be a means by which Britain's largest neo-Nazi organization was announcing its proscription of the small violent group to foreign neo-Nazis. The text suggested that 'there is growing evidence that C18 has been heavily infiltrated and probably taken over by Government agents who are acting as "agents provocateurs" in order to incite nationalists into criminal activities, thereby making them vulnerable to arrest and imprisonment'.

The article concludes by asserting 'the banning of C18 does not mean that the BNP "has gone soft" on defending itself against violent attack. The party will continue to hit back against any assault by the opposition—and hit back hard. But we are in the business of serious politics; we are not a street gang or a "secret army"'.(32)

**Publication of contact lists and hate articles** The far right also uses the Internet for the publication of contact lists. Liberty Lobby, a major American racist organization which funds other groups, sponsors the Logoplex BBS. Cyberspace Minuteman appears to be the most active American BBS and it is said to act as a contact point for much of the far right in the USA, and possibly Europe. The neo-Nazi British National Party has a contact on it who uses the name 'D Man 1'.

Norwegian neo-Nazis have published an international contact list giving the country, Bulletin Board names, System Operators (Sysops), contact numbers, etc. for over forty neo-Nazi groups in Sweden, Germany and the USA. It also listed two Internet newsgroups used by neo-Nazis and racists: alt.revisionism and alt.skinheads, as well as alt.politics.radical-left.

In February 1995, an American neo-Nazi sympathizer calling himself Markus Maximus published on alt.politics.nationalism.white several lists of neo-Nazi and white racist organizations in America and elsewhere.

On 8 February 1995, in response to a request from a correspondent who asked for more information on white power groups, Don Black published a listing on alt.politics.whitepower. This contained nineteen pages of names, addresses, contact numbers of white power groups throughout America and Canada, followed by details

of neo-Nazi short-wave and satellite broadcasts on AM and FM radio stations throughout America. On 17 February 1994, a similar list appeared from a Jason.Smith@freenet.carlton.ca. In response to a request for information he stated, ' am a nationalist skinhead, and I would be happy to provide you with some addresses to write to in order to get the information from the source.' He then lists various American neo-Nazi organizations, as well as the address of the Afrikaner Resistance Movement in Pretoria, an Australian skinhead group and the BNP.

The Internet is also being used to publish 'hate' articles. A not untypical example is entitled 'Rothschild—the Head of the Beast' which attacks the Rothschild family in terms similar to those used in classic pre-Second World War antisemitic texts:

*You must realize too that Rothschild agents are like cockroaches crawling around your home. These cockroaches crawl all over Europe, they are everywhere. They are all around the world: in the United States, in Europe, Asia, Africa, Japan and the Orient. They are constantly manoeuvring and working for the Rothschild purposes . . . When this source speaks of the Rothschild purposes, it refers to those cohorts, the other twelve superworld families that associate or ride the coat tails of the Rothschilds.(33)*

A further example is taken from an article entitled 'Judaism's War against Christianity' by Michael Nile:

*The 'Holocaust' has become adopted as Judaic Dogma, it is further sheltered by religious faith or made sacrosanct. They have tried to replace the cross with the 'H'olocaust and the source of atonement as the Jewish people as the world's Messiah, rather than Jesus the Christ Who is the Messiah and Whose blood is the only thing that can wash away sins. It shouldn't be surprising that the AntiChrist would act any different as they have to destroy the true Christ and discredit the Way of life Jesus the Word came and died for. They must destroy the Cross that they hate and give people a new sacrifice, i.e. six million 'gods', who died because of your sins. Make no mistake, you are guilty of their deaths according to the Jewish Doctrine of collective guilt, and you must believe in them for salvation from your sins. You must make your choice whether you will follow Christ or Anti-christ. As for me, I chose Christ.*

*Therefore, as we approach the year 2000 A.D., two major faiths clash, Christianity and Judaism. There is no accommodation possible between Jews, who hate the person of Jesus Christ and his Symbol, the Cross, and Christians who persist in their belief that Christ is the ONLY way to the Father, the Truth and Life.(34)*

For the past six years, some Jews in Britain have been plagued by antisemitic hate mail. These letters frequently appear on the forged notepaper of a local synagogue or church and provide quotations taken out of context, or false quotations with an air of authenticity. Scotland Yard detectives have been investigating the origins, searching several homes in the process. Similar material is now appearing on the Internet, although it originates in the United States.

On 22 March 1995, a message entitled 'Jewish Bigotry' appeared on the alt.revisionism newsgroup:

*Although the Holy Bible is readily available in many, many languages, the Jewish Talmud, on the other hand, is hidden and secretive and English translations, although they exist, are hard to come by. In the following quotations you will see the word 'GOY'. It serves several meanings: 'non-Jew', 'cattle', 'filthy', etc. Here are*

*some quotes from the Talmud:*

*To communicate to a GOY about our religious relations would be equal to the killing of all Jews, if the GOY knew what we teach about them they would kill us openly.' (Book of Libbre David, 37) 'Every GOY who studies Talmud, and every Jew who HELPS HIM in it OUGHT TO DIE.' (Sanhedryn 59a Aboda Zora 8-6, Szagiga 13). 'The ears of a GOY are filthy, their baths, houses, countries are filthy.' (Tosefta Mikwat, VI) 'a Jew may rob a GOY, he may cheat him over a bill, which should not be perceived by him, otherwise the name of G-d would become dishonoured,' (Schulchan Aruch, Choszen Hamizszpat 348) 'If a GOY killed a GOY or a Jew he is responsible, but if a Jew killed a GOY he is not responsible' (Tosefta, Aboda Zara, VIII).*

According to the American Holocaust denier, Tom Marcellus, the most actively used service is Genie, the major public subscription and computer Bulletin Board Service owned by General Electric. Another service used for this purpose is Prodigy.(35)

This is confirmed by the Simon Wiesenthal Centre which states that most complaints about racist and antisemitic messages concerned those on Prodigy, which has an estimated two million subscribers.

The existence of racist computer games has been widely reported, and although not strictly available on the Internet, they are worth mentioning. They came to public attention in Austria in 1988, although it is believed that the games first appeared around 1986.

The games themselves are believed to have originated in Germany, although some initial reports suggested that they might have been produced in Sweden, while others have pointed to the American Gary Rex Lauck of the German National Socialist Workers' Party/Overseas Section (NSDAP-AO), who was arrested in Denmark in early March 1995. Following his arrest, German police searched the homes of German neo-Nazis with whom he was in contact, and seized computers as well as other material.

The neo-Nazi video games are produced on a clandestine basis and sold or swapped on the black market; there has never been evidence to show that they are openly available. The Austrian and German governments denied any knowledge of their existence until about 1988, a consequence of the underground mode of distribution. Had the videos been available on the open market the manufacturers would almost certainly have been charged under existing German or Austrian legislation which forbids the glorification of the Nazi era, bans overt display of Nazi symbols and forbids denial of the Holocaust.

Not all the games are anti-Jewish: some are anti-Turk or anti-immigrant. It is believed that they are now into the second and possibly third generations and that they are both sophisticated and interactive.

There is no evidence that the games are available in Britain. Should they become available they would appear to fall within the scope of Sections 19 and 21 of the Public Order Act 1986, In May 1992, Glyn Ford MEP, Rapporteur of the European Parliament's Commission on Racism and Xenophobia, reported *Amiga Format* magazine (a computer journal) to the Crown Prosecution Service for advertising the sale of an anti-Arab computer game, *Operation Thunderbolt*, which involved the player killing Arab soldiers. In the event the CPS took no action in this case.(36)

Originally produced as interactive video games, these are now said to be available on disk and details about

them are now appearing on BBSs. Researchers at the University of Regensburg surveyed 165 children and discovered that games had come into the possession of seven of them.

They included *Concentration Camp Manager*, in which players have to decide whether Turks (the largest ethnic minority group in Germany) should be put in labour camps or immediately gassed. *Achtung Nazi* is set in Auschwitz concentration camp and the object of the game is to gas as many Jews as possible. Other names are said to be: *Aryan Test*, *Hitler Diktator 1*, *Anti-Turk Test*.

According to Helmut Lukesch, Professor of Psychology at Regensburg University, The games are technically excellent quality and they cost nothing. The distributors have no commercial interests, only ideological ones. They build a world view with these games that children cannot protect themselves from.'<sup>(37)</sup>

The Bonn-based Bundesprüfstelle is the Federal Government agency for monitoring comics, magazines and videos for their suitability for children and adolescents. It has placed on its index of material that is unsuitable for children 107 games which promote racial hatred, racial incitement and the glorification of violence, and banned a further 30.<sup>(38)</sup> The examiners in Bonn were said to be convinced, however, that they had only dealt with the tip of the iceberg.

26 'Neo-Nazis use computer linking in campaign against left'. *Scotsman*, 1 June 1994.

27 'L'extreme droite se met sur ordinateur', *Le Figaro*, 21 May 1994.

28 *Antisemitism World Report 1995* (London: Institute of Jewish Affairs and American Jewish Committee, 1995). 136.

29 'Neo-Nazis go hi-tech with electronic mailboxes', *Guardian*, 19 November 1993.

30 'Neo-Nazis use computer games of hate to recruit', *Evening Standard*, 14 May 1993.

31 'The far right in Norway', Antirasistisk Centre, Oslo, 31 December 1993.

32 'Combat 18 banned from BNP', Norwegian BBS, undated.

33 Newsgroup.alt.fan.rumpole, 24 October 1994.

34 Newsgroup. WWW URL <http://www.ummah.org.uk/campaign/shanti.htm>, October 1995.

35 *IHR Newsletter*, May 1992.

36 Correspondence sent to the Board of Deputies of British Jews by Glyn Ford MEP, 15 June 1992.

37 *Times Educational Supplement*, 17 February 1995.

38 *Guardian*, 24 November 1988; *German Tribune*, 29 January 1989.

#### **4/ Terrorism on the Internet**

Bomb-making manuals have also been transmitted by computer links, although it is not certain whether via the Internet. What is certain is that much of this material emanates from the USA, where the NSDAP-AO transmitted bomb-making plans in its magazine *Endsieg* modem to Austria, Germany, France and Holland and that one issue featured a bomb-making manual. It might have been from this manual that Austrian Nazis were able to construct the bombs used in the wave of terror attacks that took place throughout Austria in 1994 and in early 1995 after the imprisonment of the Austrian Nazi leader Gottfried Küssel.

Other bomb-making manuals are more readily available on the Internet. *The Big Book of Mischief—The Terrorists' Handbook* is available in the newsgroup rec.pyrotechnics. Originally produced in 1991 by the Chicago group Chaos Industries, it is now distributed by John Cormier of the University of Manitoba, Winnipeg. The origin of this handbook is believed to lie with the Anarchists rather than the far right. In this instance warnings are given that the instructions it contains are merely for 'reading enjoyment, and it is not intended for actual use'. However, the material has long been available through neo-Naz organizations in Britain and the United States.

An undated file entitled 'Aryan Guerrilla Resistance Warfare—Guidelines for Resistance to Tyranny' states that this file is taken from Army Field Manual 31 - 31 Guerrilla Warfare and Special Forces Operations. The article lists tactical aspects of guerrilla warfare and states that a free copy of *Hard Core Survival Book Catalogue* can be obtained from Gaddis Publications, PO Box 411476-CM, Los Angeles, CA 90041. Gaddis is believed to be a far-right publisher.

#### **5/ Regulating the Internet**

The Internet's global reach presents a seemingly insurmountable challenge to would-be regulators. As things stand, the Internet relies on the good sense of users to deal with those who 'abuse' its self-proclaimed ethos for their unacceptable ends. This anarchic situation allows neither the deletion of supposedly unacceptable messages, nor does it prevent further unacceptable messages from being posted.

However, as the author of an article in *Macilser* magazine argued, Cyberspace is not set apart from society, it is part of it.

*Virtual conferencing has real world results. Organized groups of fascists may be operating in a virtual environment but they intend actual physical harm to other people. That's why there should be no place for these*

*groups in Cyberspace.*

She goes on to argue that users should use the freedom that is being defended to exercise some direct control: 'If there are Nazis in a conference you are joined to, drive them out.'[\(39\)](#)

The suggestion that the senders of hate messages be 'flamed out' by other users, that is, that their machines be bombarded with thousands of messages, even blank pages, thus tying up their phone lines, exhausting their fax machines and ultimately disabling their computers, is no long-term solution, although it has its appeal:

*The other day I encountered my first Nazi on the 'Net', a madman shouting hate. You know what happened? A bunch of Internet citizens ran him out of town. Chased him away, sent him packing. Gave him the big heave-ho.'*[\(40\)](#)

The practice of 'flaming' is

*a dangerous invitation to digital vigilantism and promiscuous computer violence. It turns cyberspace into a rude, lawless frontier town in which everyone carries a six-shooter and exacts his own revenge . . . There is no discourse when everyone is free to interrupt and no one is appointed to keep order. No human activity can long remain unregulated . . . Internet too is a form of human behaviour. Computers and modems do not remove them from the human orbit.*[\(41\)](#)

Clearly the situation that has occurred recently where racists have broken into electronic mail accounts and fired off hate messages falls within the terms of the British Computer Misuse Act 1995. In 1993, a professor at Texas A&M University reported that someone had broken into his electronic mail account and sent out racist messages from the neo-Nazi National Alliance to some 20,000 computer users in four states. In 1994, at Middlesex University in the UK, the e-mail account of the University's Jewish Society was used to transmit racist messages. In an internal memorandum, Professor Michael Driscoll, Dean of the University, threatened disciplinary action, including exclusion, for the culprits.

Governments might now be prepared to legislate against hate mail. The new US Communications Decency Act provides stringent penalties of up to two years in jail for using a modem to send 'any comment, request, suggestion, proposal, image or other communication which is obscene, lewd, lascivious, filthy or indecent'. Although dedicated to banning pornography on the Internet, the concept may have relevance for hate mail.

Opposition, however, comes from two lobbies: those who believe it might prevent more restrictive and effective legislation by individual states, as was argued at the Computers, Freedom and Privacy Conference in San Francisco; and others, such as the Electronic Frontier Foundation, who wish to extend to Cyberspace the freedom granted by the First Amendment to the US Constitution.[\(42\)](#)

In 1992, the US Supreme Court decision in *R.A.V. v. City of St Paul, Minnesota*, upheld the First Amendment obstacle to banning or curbing hate expression, and the legal fight against racism in the United States has now increasingly turned towards adopting other statutes in which a content 'neutrality' is maintained. The fact that the chosen target has been selected on racial grounds becomes the basis of the offence.[\(43\)](#)

While in the UK there are legal provisions which can be used to prosecute those who transmit hate material, the

authorities until recently failed to use these for fear of failing to secure convictions by juries. However, academic and practising lawyers and the police suggest that the provisions of Part III of the Public Order Act 1986 might be relevant where hate material, or Holocaust denial material, is transmitted with the intention of inciting hatred against a group defined by reference to their colour, race or nationality, ethnic or national origins.

Section 19 makes it an offence to publish or distribute written material where the intention is to stir up racial hatred.

Section 21 makes it an offence to distribute visual images likely to incite racial hatred.

Section 22 makes an attempt to broadcast threatening, abusive or insulting visual images or sounds on a cable programme service an offence.

Section 23 makes it an offence to possess written material which is threatening, abusive or insulting or record visual images or sounds which are abusive or insulting, where it is intended that racial hatred be stirred up.

The Malicious Communications Act 1988 makes it an offence to send to another person:

a letter or other article which conveys a message which is indecent or grossly offensive; a threat; or information which is false or known or believed to be false; or any other article which is, in whole or part, of an indecent or grossly offensive nature

Section 43 (1) of the Telecommunications Act 1984 makes it an offence to send by means of a public telecommunications system a message that is grossly offensive or of an indecent, obscene or menacing character.

While there is no case law on the matter, the view of those consulted is that the medium by which the insulting message is transmitted is immaterial, and that a criminal prosecution of material on the Internet is possible provided that all evidential requirements are met.

Again, the view of those consulted is that the distribution of prosecutable information downloaded from a computer in Britain would be an offence, and therefore the owners of such host machines would have to consider their legal positions. The sending of such e-mail either internally or from this country abroad, while technically an offence, would be hard if not impossible to monitor, and therefore is unlikely to result in a prosecution.

Likewise, the receipt in this country of material sent from abroad would similarly be an offence, albeit hard, if not impossible, to prosecute. If, however, the material is subsequently transmitted or distributed by non-electronic methods, or if a UK-based recipient complains, a prosecution might be possible. The storage of such material in a physical computer might be considered akin to being in the public arena as are paper, video tapes and audio tapes, whereas the use of the Internet for communication is more ephemeral, as are telephone and face-to-face conversations.

Denial of the Holocaust, the glorification of the Nazi Third Reich, the falsification of history and the publication of Nazi and or racist literature are illegal in some European countries. An examination of each country's domestic legislation would be necessary to ascertain whether the definition of the mode of distribution includes or excludes e-mail and the Internet.

There is no case law in international law, but both the International Covenant on Civil and Political Rights and the Convention on the Elimination of all Forms of Racial Discrimination prohibit the incitement of race hatred, and these would also apply to the Internet.

39 Caroline Bassett. 'Censors in space', *MacUser*, London, 8 July 1994

40 Jim Carrol, 'I know the Internet, and it's not a cauldron of evils', *Globe and Mail*, Toronto, 21 March 1995.

41 Sol Littman, 'Some thoughts on the regulation of cyberspace', Simon Wiesenthal Centre, Canada, 4 November 1995.

42 Andrew Brown, 'Free-speech battle as Congress declares global war on cyberporn', *Independent*, 3 April 1995.

43 Dr Stephen Roth, 'The legal fight against antisemitism: survey of developments in 1993', *Israel Yearbook on Human Rights* (Tel Aviv University Project for the Study of Anti-Semitism, Wiener Library and Israel Yearbook on Human Rights 1995). vol. 25.

## **6/ Conclusion**

For dedicated enthusiasts, the Internet exists within a virtual world of unregulated computer networks where the right to free speech is unlimited and no restrictive rules apply. In the real world, of course, societies have long-standing traditions and laws which they will inevitably seek to uphold. The rapid popularisation of the Internet—its emergence from the university research environment into the public domain—has provoked intense debate whenever legislators have sought to apply the same limitations on freedom of expression in cyberspace as exist in relation to the other electronic and printed media.

In all its various components, whether e-mail, the World Wide Web, Bulletin Boards or newsgroups, the Internet carries vast quantities of material, much of it of considerable value, and some—a much smaller amount—either useless or repugnant. The so-called 'superhighway' is utilized by a large and rapidly increasing number of business and commercial organizations worldwide; in Europe, North America and elsewhere virtually every academic institution provides some access to the Internet for its teaching and research staff, and students; and the sale of equipment and software to access the Internet at home is booming.

The anarchic nature of the Internet means that there is little or no control over the content of the many documents to be found there. Unlike publishing a book or newspaper article, where the author is subject to the control, taste and discipline of an editor, on the Internet authors are free to post their work directly into the public domain where there is a potential readership of tens of millions of people undifferentiated by age, sex, geographic, ethnic or religious affiliation. It is very difficult, if not impossible, to exclude from the Internet those who would seek to disseminate potentially offensive material via its various facilities. And, as we have seen in this paper, the Internet has provided both an attractive format and a relatively regulation-free

environment for both the publication of racist material and the organization of the activities of neo-Nazi and other far-right organizations, terrorist and extremist groups.

It would not only be difficult to prevent such groups from using the Internet, but it might be undesirable to do so even if it were technically possible. Arguably, the freedom of speech provided by the Internet and its resistance to controls, especially by governments, should not be lightly abandoned. Throughout history, those in authority have sought to restrict, if not suppress altogether, the expression of independent, critical, and unfashionable ideas and beliefs. However, as has often been pointed out, the Internet epitomizes the classic 'liberal dilemma'. In this case maintaining the principle of free speech means extending that right to those who would use it to 'promote violence, threaten women, denigrate minorities, promote homophobia and conspire against democracy'.<sup>(44)</sup>

The campaign to maintain the right to free speech on the Internet has been given added impetus since the United States Congress approved the massive Telecommunications Act 1996 which includes the Communications Decency Act (CDA). As President Clinton was signing the Act into law, the American Civil Liberties Union and nineteen other groups filed a lawsuit in the US District Court in Philadelphia, challenging the anti-indecency provision.<sup>(45)</sup> On 12 June 1996, the panel of federal judges granted a preliminary injunction against the CDA. The judges ruled unanimously that the CDA would unconstitutionally restrict free speech on the Internet. The US government has appealed to the Supreme Court, but the earliest an appeal could be heard is October 1996, with an eventual decision in 1997.

However, the arguments in favour of unrestricted speech on the Internet have to be weighed against the evidence in this Paper of its abuse, albeit by a small minority. There are signs of continuing and increasing racism, xenophobia, intolerance and bigotry across the world. Across Europe anti-immigrant feelings are running high with governments responding by introducing tighter controls on immigration and asylum-seekers.

The technical and libertarian arguments against attempting to control the posting of undesirable material on the Internet at source are compelling. It would be all too easy for groups who find their sites blocked or 'flamed' to change their Internet addresses (IPs), use encryption techniques to conceal the content of their messages from official prying eyes, and, in general to go electronically 'underground'. The libertarian case has been reinforced recently by the controversy over the Chinese government's attempts to control what its citizens are permitted to access in cyberspace. The Chinese government is attempting to control its citizens' access to the Internet by ruling that they must use the state telecommunications system for their access, thus allowing the Chinese authorities to monitor and filter content.<sup>(46)</sup> On the other hand, Singapore's government does not resort to physical enforcement but keeps a tight reign on its citizens' speech by prosecuting individuals for 'defamatory' comments about the government.

However, if it is either undesirable or technically impossible to restrict what goes on the Internet, there is a much stronger case for restrictions on what comes off it. Where countries have legislated against incitement to racial hatred or, indeed, against the publication and dissemination of pornography, those responsible for providing access to the Net would probably have a legal, as well as a moral, obligation to block such material from their machines.

Disturbed by what they have described as the unbridled promotion of 'racism, antisemitism, mayhem and violence' on the Internet, the Simon Wiesenthal Centre in Los Angeles has called upon major access providers such as CompuServe, America OnLine and Prodigy, as well as universities, to ban those with an 'agenda of hate

and violence'. Rabbi Abraham Cooper, Associate Dean of the Centre, has proposed a 'code of ethics' to be applied largely against the Internet's World Wide Web, which is made up of publicly-accessed pages of text and graphics, rather than against newsgroups, which consist of bulletin boards that encourage open debate.(47)

Already, some access providers and universities have banned certain material. One example is CompuServe's highly controversial ban on indecent photographs and other material under threat of prosecution in Bavaria. Rabbi Cooper argues that his ethical code is similar to that followed by bookshops when they refuse to carry certain books.

The Australian Broadcasting Authority (ABA) has been seeking public comment on the need for a code of practice for the development of the on-line services industry. The idea is that the code would represent a public statement of an industry's responsiveness to community needs and concerns and would provide for an appropriate complaints handling mechanism. In an issues paper, the ABA, which already has a classification scheme for broadcast material, lists a range of concerns expressed to the authority including material which racially vilifies.(48)

The Advertising Standards Authority (ASA) has applied the British Codes of Advertising and Sales Promotion to UK advertising on the Internet. The ASA has established a working group on self-regulation by advertisers on the Internet. In effect, the ASA has brought the Internet into line with press, poster and other non-broadcast media.(49)

A further classification scheme, this time to protect children from accessing unsuitable material on the Internet, has been considered by the powerful Microsoft Corporation, Netscape and Progressive Networks who have formed the Information Highway Parental Empowerment Group. They have been working on a new system which relies on Internet content providers conforming to a rating system that identifies the type of material they offer. It has been claimed that because Microsoft is so powerful, content providers can be persuaded or pressurized into the scheme which could then be about 95 per cent effective.(50)

Voluntary codes of behaviour may indeed work well in the majority of cases. However, they are unlikely to deter groups on the far right of the political spectrum determined to get their messages across. They have already condemned Rabbi Cooper's code of ethics as an attempt to quash free speech. Tom Metzger, director of the White Aryan Resistance, has said that 'We are not going to allow the Simon Wiesenthal Centre or the Anti-Defamation League or any Jewish pressure group to limit our speech in any medium.'(51)

Those who are responsible for providing access to the Internet in the home and in public institutions such as schools, colleges, universities and public libraries cannot rely on voluntary codes of practice to prevent objectionable material being accessed on their machines. They will inevitably be held legally and morally responsible for the material they carry and such material, anyway, might well prejudice, among other things, their Equal Opportunities Policies and their claim to be free of all racial prejudice or bias. Nor should they permit access to racist or pornographic material which they would not consider suitable to acquire for their library shelves.

Considerations such as these have led to a proliferation of new software initiatives designed to permit censorship at grass-roots level. While still incomplete, they already provide a good first line of defence. These so-called self-censoring programmes are designed to block out undesirable Internet sites and come with lists of

such sites that are regularly updated. They should work particularly well with any new rating system introduced by, say, the Microsoft-led partnership referred to above. Already a number are on the market, some for domestic use and others intended for large networks. They range from the unfortunately named 'Net Nanny', a home product, to Cyber Sentry, WebTrack and Netscape Proxy Server, which are intended to be installed on servers in large organizations.(52)

Recently, Tim Berners-Lee, director of the World Wide Web Consortium at MIT, who is credited with having started the Web, has offered a free screening programme to people who want to keep objectionable material from entering their computers from the Internet.(53)

Censorship alone might not be the answer to the 'hate' sites on the Internet. Increasingly, the Internet itself is being used to assert historical truths and to put the record straight. In Canada, for example, the Nizkor project, established by Ken McVay, counters hate propaganda and Holocaust denial by education on the Internet.(54)

In general, it is desirable to keep censorship of the Internet to a minimum consistent with the values of liberal democratic societies. Moreover, the need for any kind of censorship whatsoever is strongly contested by civil liberties groups everywhere and especially in the United States. The Internet, it is claimed, is unique in that it is technically impossible to impose any effective controls on it. It should therefore be protected as the last bastion of the absolute right to free speech, guaranteed in the United States by the First Amendment to the constitution. For others, this right is all too often abused by those seeking to disseminate racist and pornographic material. Thus it is important to reconcile the imperatives of free speech with the minimum controls necessary to limit the exploitation of the Internet by racists and pornographers.

44 Keith Stone, 'Jewish organization asks I. .met providers to cut access for hate groups', *Los Angeles Daily News*, 11 January 1996.

45 CNN, 9 February 1996.

46 *Newsweek*, 25 December 1995; James Pringle, 'Peking acts to police Internet', *The Times*. 9 February 1996.

47 *Los Angeles Daily News*, 11 January 1996.

48 News Release, 20 December 1995.

49 Advertising Standards Authority Press Release, 15 July 1996.

50 *Internet Magazine*, November 1995.

51 *Los Angeles Daily News*, 11 January 1996.

52 *Internet Magazine*, November 1995.

53 CNN reporting an Associated Press Report, 11 February 1996.

## **7/ An Internet policy**

What has clearly emerged both from this Paper and discussions with experts is that any policy designed to restrict, control or remove from the Internet material which is either illegal or repugnant must take account of some key principles:

It is important to respect the right to freedom of speech. This right is not unconditional, even in democratic societies, and would not extend, for example, to the commission or promotion of criminal acts; sexual, racial or other forms of discrimination deemed contrary to the public good.

It is desirable to avoid state imposed statutory controls or censorship of speech itself and the media through which it is expressed.

Controls should be aimed at what can be accessed on the Internet, i.e. at the receiving end, since it is technically impossible to prevent material - which is illegal or specifically designed to offend - to be put on the Internet at source.

The Internet is used by far-right and other extremist groups to disseminate their ideas with a view to influencing opinion and recruiting new adherents. While there is little evidence at present to show that this is having much effect, this does not mean that we should be indifferent towards the presence on the Internet of material which is inherently offensive.

The Internet should not be regarded differently from other means of publishing and disseminating speech and ideas. The same laws and controls which already apply to other means of publishing, whether electronic or printed, should be applied to the Internet.

### **Policy proposals for immediate implementation**

**1** We urge the adoption now - by those in the public, private and voluntary sectors who own, control or manage institutions - of an interim Internet policy and accompanying code of good practice, pending the development of a more comprehensive policy (see recommendation 8). This policy would determine what materials can legitimately be accessed on their computers. We are not recommending that there should be a statutory requirement for such a policy. Instead, it would be similar to other initiatives such as policies which many institutions already have in place to provide for equal opportunities in employment or to regulate substance abuse. Indeed, institutions could adapt their policies relating to race and discrimination and extend these to cover the Internet. **2** Education authorities - as the initial base for public education - should take the lead in introducing an interim Internet policy. They have a particular responsibility for ensuring that they do not permit access to materials via the Internet that they would not consider suitable for their library shelves. **3** The policy should be reinforced by the use of so-called 'blocking software' which either only permits access to certain materials and denies access to everything else, or which permits access to everything except certain proscribed material. **4** Where open access is permitted, the criteria upon which any controls should be based should first be to exclude any material which is illegal (e.g. in England and Wales falls under the Obscene Publications Acts 1959 and 1964, Computer Misuse Act 1990, incitement to racial hatred legislation included in the Public Order Act 1986, etc.). Second it should exclude material which is designed to offend or contradicts other

policies such as those relating to equal opportunities, substance abuse, etc. **5** The underlying principles upon which any exclusion policy should be based would be those which by regulation or custom govern the acquisition of materials for any libraries. In the case of some institutions, universities for example, special regulations already exist restricting access to certain materials. **6** In the Internet policy attention should be paid in the first instance to the graphical World Wide Web rather than the so-called news groups, bulletin boards, etc. Many organizations already exclude such groups from their servers altogether or allow access to a limited few. However, it is the increasingly professional and well designed pages of the World Wide Web which give cause for concern. Their content cannot readily be refuted or debated as can the content of news groups, which anyway are essentially forums for discussion and debate. **7** Relevant groups should be widely consulted about the terms of any policy.

### **Longer-term proposals**

**8** We recommend the establishment of a body to develop a comprehensive policy and accompanying model code of practice on Internet access for institutions in the public, private and voluntary sectors. Ideally, this body would be international in scope and might properly be under the auspices of an organization such as the Council of Europe or UNESCO. National bodies would also be required, and in the UK, an organization analogous to the Press Complaints Commission or Broadcasting Standards Authority should be set up. Such bodies would monitor the dissemination of racist and pornographic material on the Internet and would investigate complaints. They should also consider a broader range of issues such as challenges to privacy versus freedom of expression, and copyright versus freedom of information. **9** For purposes of standardization, on the national level, education authorities and bodies such as the Committee of Principals and Vice-Chancellors of the Universities of the United Kingdom should be involved. In the private sector, business organizations such as the Confederation of British Industry and Chambers of Commerce should be involved in devising guidelines for employers. For them the issue is urgent because of the increasing commercial use of the Internet for advertising and the need for companies to observe prescribed advertising standards. However, given the global nature of the Internet and the multiplicity of different legal, moral and ethical systems involved, it is difficult to imagine that there could be any international agreement to control its contents. However, such agreement should be possible on a European level where the responsibility for setting guidelines could lie with agencies such as the Council of Europe. **10** As the Internet becomes more widely accessed internationally, police and similar authorities should be granted resources, currently not available to them, so that the surveillance they normally exercise over extremist groups can be extended to cyberspace. **11** We believe that Internet service providers have an obligation to prevent access, via the services they offer, to material which is either racist or pornographic. In view of this, we recommend that such service providers should be regarded as 'publishers' rather than 'common carriers' like the Post Office. Procedures should be established by the watchdog body referred to in recommendation 8 above to ensure that service providers continue to prohibit access to such material once they have been put on notice.

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