Testimony of Ray Soular
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I thank you for inviting me to speak before people who have dedicated themselves to protecting children online. When I received my invitation to speak here today, I was impressed by one particular sentence in which Donald Telage wrote that the Commission is "more interested in your insights into the characteristics of particular technologies or methods that cause them to be adopted (or not), to be effective (or not), and that bear on pertinent legal and policy concerns." It is to this directive that I speak. I will not focus this discussion on technology, but on why that rating technology has not been adopted into wide spread use.

Before we can examine where the concept of online rating has faltered, let us retrace the events that have lead us to our present situation. Rating online content only existed as a concept in academic white papers until May of 1995, when SafeSurf implemented the first rating system designed to protect children on the Internet. It consisted of placing in the HTML code, an identifier known as the SafeSurf Wave SS~~, followed by a series of numbers that would be interpreted by filtering software. SafeSurf began encouraging Web sites to join a rated online community it called a "cyber-playground", as well as assisting filtering software companies in updating their software to support Internet rating. (See http://www.safesurf.org/ssplan.htm for a further understanding of the SafeSurf Rating Standard.)

By the time, PICS (Platform for Internet Content Selection) Consortium was first convened in late August '95 and before it began it work, SafeSurf had obtained commitments from most of the major filtering companies and formed a rated community of thousands of sites. As a result, SafeSurf was invited to become a member of the PICS Consortium and participate in creating the PICS specification.

PICS represented a broader view in its ability for multiple rating systems and ideas to coexist and thrive, thus preventing any single powerful entity from forcing its rating system on the people. The PICS specification also supports rating to be done by groups using rating servers, provides a rule set, known as PICSRules, to give individuals the ability to communicate their own preferences to search engines and servers, and has been adapted for use in XML and RDF. (See http://www.w3.org/PICS/ for a further understanding of the technology.)

Things were going great; SafeSurf welcomed with open arms the second rating system to convert to the PICS protocol, RASC and encouraged Arthur Pober to propose PICS to Entertainment Software Rating Board. Microsoft had taken the initiative and was preparing to release the first PICS compatible browser. Scott Berkun of Microsoft first preposed the idea of a ratings file so that it would be easier to incorporate more than one rating system in Internet Explorer. Both RSACi and SafeSurf were asked to prepare ratings file and help alpha test their implementation in the upcoming browser.

I'm sure that when God looked down on the PICS protocol and its potential, he saw that it was good, but something was brewing behind the scenes that would change everything and leave a bad taste in the mouth of many Internet communities.

When IE 3.0 was released, Microsoft removed the ratings file of all other systems and decided to include only a single system of its choice. I have no idea where executives at Microsoft derived this single rating system stance, but the choice was not based upon number of sites rated, since SafeSurf had twice as many sites rated at that time as the selected system. Microsoft's decision to hinder diversity was also not supported by the PICS Statement on the Intent, which reads:

"The Web, through PICS implementations, ought to support access to a variety of labeling systems that reflect the diversity of moral and cultural values held by those that use the Net. No single rating system and service can perfectly meet the needs of all the communities on the web."

This move rendered the IE browser implementation confusing and useless, since it could not immediately understand and load over 50% of the rated sites. Microsoft further limited it NT 4.0 Web server to support only a single rating system with it auto-rating feature. The complaints poured in as more and more people became disillusioned about the promise of PICS.

The online community that had had been built with the expectation of diversity was being torn down by a major player using its position in the browser market to push a single rating system on its users. It should be noted that year and a half later, Netscape released its PICS implementation without limiting its browser to a single rating system, but it was a minor victory since Internet Explorer controlled the market.

The lesson we learn from this history is that in order to encourage the cyber-world to adopt online rating, we must recognize and support their desire for enough diversity to choose a system that works for them. If we build our online communities with understanding and cooperation, they will grow faster than the lilies of the field. However, should we attempt to force single minded solutions upon the masses, we will continue to be frustrated by the freedom of the Internet.