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Office of the Chairman  
Federal Trade Commission  
600 Pennsylvania Avenue NW  
Washington DC 20580

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Dear Mr. Leibowitz,

Thank you for the opportunity to comment on the FTC's Children's Online Privacy Protection Act. COPPA is fraught with shortcomings. It does little to protect minors or parents ability to regulate their child's online activity. This is evidenced by our personal tragedy of January 20<sup>th</sup> 2011 when our oldest child and only son ended his life. Our struggle later but first some thoughts.

Originally written in 1998 and enacted in April 2000, I believe the COPPA, in its present form, is obsolete. The technology that has evolved since 1998 and access to the internet poses serious issues with privacy and protections of minors. With the advent of readily available access through cellular technologies, WiFi and other sources, combined with the proliferation of social media sites directed to adults but adapted and accepted by children reduces the effectiveness of the original intent of COPPA. As I understand and interpret the original act, it was designed to specifically monitor sites that actively solicit child usage. I would interpret that original usage to educational sites similar to a phonics or Sesame Street or maybe even a site touted by first lady Michelle Obama-Let's Move.org.

But in all cases, I think the intent was to target our younger age groups as referenced by the 13 year old child definition in Section 1302 Definitions (1).

If my history is correct, Facebook was not even on the market at the time. Perhaps MySpace was available in 1998, but Facebook has had an enormous influence capturing almost a billion users worldwide virtually becoming a household term. It is referenced and tagged continuously on television, radio or print media. Our government uses it in copious amounts to disseminate information that once took considerable staff time to disseminate-- down to a mouse *point and click* for information. In the last decade, terms that are directly linked to the internet and social media have become acceptable language by a whole generation of youngsters and young at heart individuals. Terms such as: Facebook me; chat me up; go viral; message me; spam, junk folder; text me; sm!; wth; lol; omg; tweet; and a whole host of other lingo that takes time to decipher and understand. Online lexicons prove helpful when trying to decipher some text messages.

The horrendous expansion of social media through internet use has become a tool of communication, of knowledge, of information—both good and bad—that could not be planned for. I doubt Alexander Graham Bell ever envisioned the need for a DO NOT CALL list because of unscrupulous telemarketers. I doubt Thomas Edison ever

envisioned the incandescent light bulb would be linked to global warming. But like the telephone and the light bulb, the internet and social media are invaluable as evidenced by widespread acceptance and usage. It is when the abuse begins that the people will call for government intervention to prevent abuse and proliferation of such abuse. That is where Diane and I are.

The proclivity of the social sites and use of the internet were considered in the original draft of COPPA, I think. But without some foresight into the growth and exponential explosion of internet sites and acceptance, COPPA does nothing to protect all minors from unscrupulous practices—real or perceived—or our children from their very own natural curiosity. I would hope that this lack of oversight was an oversight in itself in 1998. Almost every advertisement links itself to the internet in some manner—from products to the FTC to the presidency. Perhaps it was function of and those clairvoyant internet companies to realize that email would be replaced by Twitter or Facebook or the like. The internet and social media are here to stay.

The original use of cell phones was for purposes of becoming more efficient and not being bound to an office or out of touch during travel. Initially, the usage was not abused but then usage grew. In many early instances, cell phones were for emergency use only—a breakdown while traveling, announcing a delayed arrival time or maybe even a call for directions. But as acceptance and phone plans grew more economical, they contributed to distracted driving. And distracted driving has been defined for years as some type of impairment but as the accidents resulting from cell phone usage required laws to include and redefine distracted driving. Electronic communication has evolved tremendously since Bell's first call.

But social acceptance of the Internet and social media have allowed for the proliferation of hackers, spammers, and has child identify theft a leading favorite among criminals. Criminals' case out the internet social media sites just as a bank robber cases his next job. The younger the child, the easier the prey knowing the more distance before the child's ability to apply for and receive any type of credit—the easier to conceal fraud. The damage is done.

Simply stating by a major company *–don't use it then–*would require a societal shift back to the days of writing letters. And it would reduce efficiency of our government not to mention every major advertisement campaign for every product available by utilizing this widely accepted World Wide Web. Anyone care to think about the recession caused by a downturn in internet use due to parents policing their children by not allowing connection? Some statistics point to 100 million Americans alone using some form of social media. And Facebook boast almost a BILLION users worldwide. The potential to use is dangerous but a radical shift away from usage would be catastrophic. Nuclear fallout would be considered local compared to “fallout” of the Internet.

What we have learned in trying to access Eric's Facebook account and email accounts is a gross lack of oversight by the FTC or any other governmental agency. COPPA is referenced in most of the sites we have researched but while it is geared to minors, it is

still widely used on adult sites developed for adult usage. Without some type of distinction or rating system, parents are helpless to evaluate the steady stream of sites uploaded each day that are geared toward minors but rely on the need for wisdom by an adult.

We believe, and we believe we can argue successfully that:

Thirteen is an arbitrary age to rely fully on an honor system without precedence;

Parents have no right to access their child's internet accounts if the child becomes belligerent per the accepted and prevailing blanket social media/internet policies;

Law enforcement has little recourse to assist in gaining access behind due process;

COPPA does not state that children can enter into a legal and binding contract;

COPPA does not expressly state children have a right to privacy that overrides parental supervision;

And finally, it does not address that in the event of the death of a minor, who or what individual, has a legal claim to access and subsequently control a child's "cyber" world.

## OUR STORY

We have educated ourselves on the internet and freedoms of children stemming from a single question that we have never been able to fully answer. Granted, in any situation of any individual of taking one's life, there will always be unanswered questions. But on the morning of January 20th 2011, the question law enforcement asked was: ***Did Eric have a dark page?***

I was not familiar with the term. And while still not certain, he explained a dark page was more or less and place where he could go online to talk, chat, visit or learn anything about everything that encouraged dark feelings. It could be hidden on a regular Facebook page or it could be linked anywhere on the internet. It can be searched through a search engine or given through a referral of sorts. Regardless of the term and the deputy's explanation, we had serious questions.

We approached Facebook through the online system they provided. We requested his password to access his account. Just prior to his passing our home computer was hacked and all account passwords needed to be changed. Prior to that, Eric assured his mother she had his passwords. So whether we inadvertently did not request his new password or he changed it to block our access, we assumed that with him being a minor, the internet companies would automatically have to give us his password. We were wrong.

Eric had a Hotmail email account he used to set up his Facebook account. He had a Verizon phone he used to text and email. We had no email password or his Facebook

account password and he took his life on the day his prepaid cell plan expired—January 20<sup>th</sup>. So hindsight being 20/20, we should have renewed his plan but did not. We were grieving parents of a bright, well liked child that had given us no prior indication of his intentions until the morning the dispatcher called to alert us that “Eric had found a dead body”. When I arrived on the site, it was Eric I found. Face down.

As we grieved, we continued to try and access Eric’s online accounts with popular terms he used. We tried his favorite sayings, family names and any combination that his school friends suggest—to no avail. Finally, we tried the Facebook online approach and described our situation. We likely were given automated responses through “The Facebook Team” that pointed us towards other online accounts and alluded to other online accounts where the information requested could be retrieved. We replied, in desperation, that we had no idea of his passwords on those other accounts. We tried to argue that Facebook was the only site we really were interested in as it was the most likely account to contain any relevant information. We even supplied the password he had told his mom as a reference point.

After several attempts, I think we began to make progress by actually having someone in a managerial role reply with some helpful information. We were asked to submit a birth certificate, death certificate and a copy of a court document listing one of us as the administrator of his estate. We complied with his death certificate and simply told Facebook via an email that Eric was 15, therefore had no estate and that all of the information recorded on the death certificate was contained on the birth certificate. Both certificates were legal Commonwealth documents so why the need for both? Having 4 children, we are familiar with the birth certificates as we use them frequently with school and more recently, Eric applying for his DMV learners permit. There is very little difference in the information provided on a birth certificate and death certificate. Fortunately, most people are not that aware. But we were nonetheless again denied access. To my knowledge, I have all of the correspondence saved if anyone is interested. Besides, who else would have a recent death certificate other than someone in charge?

Several weeks after all of this interaction between us electronically with Facebook prompted us to request our congressional delegation assistance in obtaining Eric’s information. I can provide those letters again.

What we have learned since this request is astonishing and appalling. We learned there is little or no federal regulation over the internet and no recourse to request assistance from any agency in an oversight manner. And based on the FTC website, we understand the FTC cannot act as an advocacy entity on behalf of a specific complaint but does serve to record file, assess then seek plausible solutions that fit within its own mission statement: *To prevent business practices that are anticompetitive, deceptive, or unfair to consumers* We have been treated unfairly. Maybe not in the eyes of the legal system but unfairly.

## AGE

A decade ago, I am not sure where the random age of 13 was selected when scripting the original COPPA. I would suspect that in the room advising those writing this piece of legislation were internet lawyers and lobbyists. Why was 13 accepted? Children are minors until 18 years of age. They cannot purchase alcohol until 21 nor can they purchase tobacco products until they are 18. The Division of Motor Vehicles has established the age of 16 years and 4 months as an age where a minor is capable of handling a vehicle with an adult's permission. Otherwise, the age of driving privileges begins at 18. Doctors are unable to treat minors without parental permission even if they have been the primary care physician since birth and know the child and parents—in some cases forbidden. Schools are unable to print or release anything without permission. Most print media or broadcast media adhere to a code of ethics that they request and obtain permission before publishing a minor's likeness or involvement with a mishap such as a motor vehicle accident. But they are protected under first amendment if they choose to ignore this unwritten code of ethics. Work by a major network news company required a release from a professional portrait studio to print Eric's last school picture. Why 13? Where did 13 come from?

## PARENTAL RIGHTS

When we tried to access Eric's Facebook account, we were flabbergasted that we were denied. EVERY parent that we have told that we were denied blurted out *I CAN GET MY CHILD'S!* When we explained that children had rights to privacy, could enter into a legal and binding contract, and had a right to free speech, they too, were flabbergasted. Why does a child not need a parent's permission to set up an email, Facebook, Twitter or some other social media account we are unaware at this moment? At least a cell phone has a price tag associated with it. Either a child must purchase with money or be added by a knowing parent or guardian—even then we have learned of an interpretation that disallowed a parent to text or phone records on their child's phone even though it was an added phone.

“Free internet” still needs restrictions especially when there are over 75000 “apps” available to anyone with access to a cell phone tower. I have learned of an “app” that allows a child with parental controls on a cell phone to monitor and/or limit texting and bypass the controls with access to WiFi. Limiting access is much more problematic today than when COPPA was written 14 years ago. Smart phones and WiFi have enabled a host of challenges parents cannot control. While we can choose to turn the home computer off, not purchase a laptop and deny the use of a cell phone, we cannot limit 100% of the time their exposure to the internet at school or on the bus or at a friend's house—my child can borrow your child's phone and have it with no supervision. Access may be limited but that is our only choice as parents or guardians. I equate exposure to the internet to second hand smoke—parents choose not to smoke but exposure to second hand smoke was a problem that has taken years to deal with—with fierce opposition.

A recent conversation with school administrators revealed that software is available to limit and filter certain keywords and graphics. Guns and pornography are blocked. Certain sites can be blocked such as chat rooms if they are known and pointed out. But if the sites are smart enough-- to avoid certain keywords-- they can be accessed—usually by accident—but once found, are spread via text message, email or word of mouth.

But the FCC bans the school's ability to block cellular access. WiFi access can be limited to access with a pass code but can be hacked. And for the general computer labs within a school, they can assign a user ID so the school system can track usage. But this has not always been the case. Since schools cannot block cell phone usage by order of the FCC, they are at the mercy of a policy that prohibits cell phone usage during school hours. Imagine the nightmare of policing this policy at lunch or in the bathroom. How does a school accurately reduce texting answers to other students? Phones are so small nowadays and have silent mode, children can text under the desk and still appear to be paying attention. My oldest daughter, along with most of her classmates, was able to identify the Louisa earthquake in August 2011 before the administration could make the announcement.

The internet is a tool but its major search engines do not distinguish from an adult looking for information and a child. For example, a family purchased two rabbits recently at a local recreation association fundraiser had their 10 year old go online looking for bunny names. While her mom was working in the flower beds, the child typed in "Bunny names" and the Playboy website popped up. Was the child supervised or not? Should the mom have sat beside the computer the whole time? At least the child came to her mom and told her to come take a look. Try a search for rocky road and fail to put ice cream behind those two words--XXX. After Eric's death, I thought about searching for those subversive websites described that dreadful morning. Try a search for "suicide" in your spare time. If you block suicide it will block the useful websites as well as the ones that encourage harm.

## LAW ENFORCEMENT

I am told by a few in law enforcement the challenges when dealing with social media and the internet. In cases where leads to a case involve the internet more especially a social media account such as Twitter or Facebook, the process to access said account is a cumbersome and painstakingly difficult process. What if the situation involved abduction? What if the situation involved a bullying? What if the situation, as in our case, involved a suicide? If minors really do have a right to free speech, what happens when a parent is unaware of a child's social media account secured through a school or library computer makes a statement that warrants investigation—who is responsible? The child? The internet company that allowed the account and subsequent posting and/or statement? Or the parent unaware of their child's activity? I think it would be easy to hold the parent culpable if a bold statement made from a home computer implicated a minor for threatening a public theater, a school, or maybe even the President. But what happens when the parent has no home computer? Laptop? Library card? Law enforcement and the

investigators will have the challenge of searching for the source while proving beyond a reasonable doubt where the derogatory statement actually originated.

What about crime? Law enforcement, along with the local prosecutor, can elect to try a child as an adult in certain cases but I believe it still requires a judge's permission. Again, how can we ignore so many precedents set forth with other age limits and settle arbitrarily on the age of 13?

Your website indicates law enforcement has already heavily weighed in on the subject. Based on our issues, I urge FTC to listen. Law enforcement given probable cause and sufficient evidence, they can get the court order and obtain certain information. The time involved is up for debate. But some say it takes 6-8 weeks not working days to obtain information within a warrant. If parents had access, law enforcement could let the parents decide if they would allow the search of digital accounts in lieu of obtaining a warrant.

Please do not shackle law enforcement with anything more than due process. Public perception is the Hollywood drama of cracking a major case in 60 minutes minus commercials. *Phone dumps and DNA testing* take time. Due process is in place for a reason and does not need circumventing but true parental control of accounts can expedite a case involving one's loved one. Due process involves evidence and in the case of abduction, time is of the essence. Parents would willfully give up certain rights for the return of a child unharmed but Hollywood drama extorts realistic views of how fast law enforcement can work. Hollywood writers always let the bad guy have the upper hand until the final scenes then lower the boom. I'm not sure that is realistic. Again ask law enforcement.

## CONTRACTS

COPPA needs to identify the definition of a legal and binding contract with a minor. If Internet companies are going to claim this exclusion or exemption, there needs to be a definition readily available on the FTC website. I have yet to find it within any code or court case or have a practicing lawyer agree that a minor can enter into a legal contract—PERIOD. I ask the FTC can a minor enter into a legal and binding contract for on at least one occasion, an internet company has claimed this is allowed. I would like to see proof from our federal government.

## PRIVACY

As a parent, my wife and I can go into our child's room and search it. No warrant is needed. How then, can an internet company claim a child has a right to privacy? If my wife or I were to find a journal, diary or some other letter, we can choose to sit down and read such wording. We can give permission to law enforcement if the request is within reason to search our child's room. If not, they can follow due process and present a warrant. While it may not be popular with our child, there is no fear of a lawsuit or incarceration from our child claiming a legal right to privacy? Why can we not access a minor child's account? The most popular argument is that the people on the other end of

the “connection” have their right to privacy. Fair enough but those on the other end of a computer screen could be out to harm our children or your child as any predator will skillfully manipulate the trust of our children. It is hard to distinguish words read on a computer screen from anxiousness or nervousness or possibly some type of aggression or touching. Over a long period of time, a savvy individual begins building trust with nothing but the most negative of intentions. Once a child believes they have built trust with the person with whom they are having this digital conversation, they may extend personal information with dire consequences. And the only repercussion is to believe that the person on the other end of this digital connection is a savvy law enforcement officer looking for the misguided individual that thinks he or she is smarter than the officer/child. Laws with punishment deter some crimes. Why not try and prevent crimes before the need arises to punish?

Parents, within reason, can control the neighborhood we live in, the schools we attend and the church we attend. We set limits and can maintain schedules. And children know within reason their limits of going down the block, at night, over to a friend’s house or to the corner drug store but the internet is almost boundless. We can usually keep within eyesight our child and if we see them talking to a stranger, at least we have the opportunity to go over and see for ourselves with whom our child is conversing. But beyond blocking all internet usage until graduation, parents cannot limit exposure through the internet. Software designed to filter and key logger type protocol is limited to economics and the installers’ ability to use effectively. As with any situation, there is no substitute for good parenting but even the most diligent parents will falter from time to time.

My point is that there are a number of tools available to filter keywords and content but the “crooks” are much smarter than Diane and myself and will find avenues around said filters and content blocked sites. But the ability to monitor what is available and having the know how to buy and successfully set up technology available is severely lacking. Any COPPA revision needs stakeholders called parents that are not technologically astute to ask “*what the heck does that mean?*”

## DIGITAL ASSETS

A growing concern for all these days is the need to define *digital assets* at the federal and state levels. There is a great deal of work being done within certain states and with organizations such as the Uniform Law Commission delving into this complex issue. Adults can post just about anything they want and suffer the consequences on the rare occasion that a song lyric is posted and an arrest is made trying to protect the public from another maniac in a movie theater. As a Virginia Tech graduate, the public scrutiny over the video that Cho made prior to his rampage shed some light on what will be accepted publicly. Disturbing sites are not readily acceptable and major network news coverage yielded to public pressure. At least someone had some compassion. Another story about rights and Facebook post drew national attention on or about August 16<sup>th</sup> 2012. A young marine, Brandon Raub was detained for questioning over a controversial Facebook posting. Are we going to wait for a federal court to set the precedence on every issue or is



the FTC willing to put some teeth in the toothless tiger? We have purposely not chosen the court option. No money or day in court will bring Eric back. So our only option is help someone else never experience our remorse and lack of sensitivity by corporate America.

Pasted below are a few links to our struggle and what we believe is on the horizon.

<http://wtvr.com/2012/08/21/full-text-brandon-raubs-proclamation-take-our-republic-back/>

<http://wtvr.com/2011/11/04/facebook-sends-family-information-about-sons-page-before-his-suicide/>

<http://www.emailthis.clickability.com/et/emailThis?clickMap=viewThis&etMailToID=1364223859>

## ELECTRONIC DEVICES

Action should be taken to recognize all electronic devices with capability to access the internet. Accessibility from a USB port, cell phone tower, WiFi hotspot or maybe even a dial up connection needs attention as well. Research indicates that almost all electronic devices have some capability to link internet for upgrades of some sort. Some types are Kindles, Nooks, iPods, blackberry's, iPads, iPhones and many hand held game applications. But again, technology has evolved with applications that offer more and more services to the product holder—efficient marketing at its best. Our local school has implemented a BYOD program—Bring Your Own Device. Now you must register your device to receive free WiFi while at school so once your work is complete, you may entertain your self. I think it also allows a technology teacher can allow a student to take test and receive and send homework assignments on such a device. And it was set up with federal grant monies—FYI.

Many today choose only a mobile device. Not necessarily a laptop but a phone or some other electronic device as the sole means of utilizing the World Wide Web.

Our point is that what defines a phone or a computer? Technology has evolved faster than most could ever envision. What defines connection to the internet and how can we limit certain sites on each device possibly available. Ownership of any device does not limit anyone's accessibility as did geography did years ago. Today, we can borrow a phone or iPod from a friend and have at it in certain areas normally thought to be safe havens for our children—schools and libraries.

## SOLUTIONS

- Raise the age limit to reflect what is currently deemed minor status— 18 years of age.
- Define a contract with a minor.

- Define the privacy of a minor with regards to parent's responsibility.
- Develop an inclusive lexicon of terms for the internet and social media use. Include all terms and slang to identify terms such as viral, text me, tweet, spam, "Follow us on the Web" follow us on Facebook, on Twitter, surf the web, Google it, Walls, APPS....
- Define the use of personal information and make guidelines easier to use rather than a scavenger hunt to review limitations, warranties or privacy protection guidelines. - Information requested by a company only protects the company but a policy that actually protects a child by allowing editorial, content or censorship by parent or guardian makes more sense than trying to "filter usage". Protect INNOCENCE
- Block all underage "Free Apps". This amounts to misleading marketing. At the very least charge a paltry fee before downloading the app. I suggest a nickel.
- Require some form of identification such as a birth certificate or a drivers license number as part of the security and/or verification process.
- Require a family tree style application for example, if a minor child wants a Facebook or Twitter account, a parent must have an account and the two accounts be linked in some manner.
- Make it harder set up an online account without parental permission than catch a cold during flu season.
- Clearly define what rights a child has to use any online account or chat room.
- Clearly define what rights a parent has to access their child's accounts.
- Clearly define what law enforcement needs in situations there is an allegation or suspicion of abuse of any kind involving a minor.
- Disallow any chat room that does not require some form of login, a SSN, drivers license number, email address, phone number.
- Set up a systematic display based on the content of a website similar to the motion picture industry or the TV industry. There is a rating stamp of expectations for age appropriate viewing. What would be the harm of PG-13 site or R being blocked?
- Define the term computer. Is it a laptop, desktop or a cell phone or a smart phone? Does the FCC need to adhere and enforce the FTC's COPPA but one can purchase a smart phone and access the internet through a phone or WiFi connection. The two agencies need to pool resources and work towards plausible solution.
- Allow some formula of doctors, therapists, school guidance counselors to assist law enforcement in due process. In some cases, probable cause may be lacking but through

some careful planning, perhaps there is a compromise less burdensome than what is currently in place. Broaden the professional base when trying to establish probable cause.

## ACTION

Consider a moment the NHTSA. When you look at raw numbers of deaths per year, suicide accounts for approximately 39000 each year in all categories. Traffic fatalities account for somewhere around 48-50000 per year. Compare the regulations and laws to prevent traffic fatalities to current use of social media through the internet. There are no comparisons. Laws make driving safer but by punishing the abuser but the fact that punishment exists, deters potential abusers. Manufacturers must produce a reliable safety driven product. Free speech is a right. Using the internet for free speech is a privilege just as driving is a privilege.

We have a cache of other anecdotal stories we could share but will refrain at this time.

## SUMMARY

We believe that COPPA does nothing to force a distinction of a child based website versus a more adult oriented site. We would point out the motion picture ratings and the TV audience ratings as a prime example. Movies are listed by a targeted audience and if a child does not meet a certain age as in a PG-13 or R rating for example, the child must be accompanied by an adult. As with TV ratings, you can use the rating system to buffer what a child can view.

The current system (COPPA) readily accepted is being used by companies to skirt the intention of the original act and provide some exclusion of liability. We do not feel the companies are doing anything more than providing an honor system for minors when said minors are allowed to sign up. Furthermore, we feel that most social media is stretching to call itself an educational tool. It is helpful to stay in touch but research indicates that children online are bullied 15-17% of the time. The goal should be almost ZERO.

Acceptance of the internet and social media have become entrenched at levels that would cause an economic downturn that would make the current recession look like prosperity if a radical shift away from acceptance by the youth market alone. Parents simply would stop buying all those electronic devices, which in some form or fashion, allow connectivity to the world outside our home or community. Children are targeted and parents give in-- it is marketing just as the grocery store puts the candy and gum at check out. I think we are all afraid of finding out if usage goes down what the financial implications might be so regulate more stringently now.

Current references of COPPA on sites with a user agreement and privacy agreement or some combination does nothing more than allow internet companies take away a parents right when dealing with internet and social media through a scare tactic of a liberal interpretation of laws and court cases by corporate America. It takes time and money to file a lawsuit and generally not worth the effort. And expense. COPPA in its current

version does nothing to actually protect a child. It shifts the entire burden back to parents. We understand there is no substitute for good parental skills.

The internet has outpaced the average parent or individuals' ability to keep pace. The internet has done a marvelous job of marketing itself and making itself user friendly. It is guilty of successful marketing and we are not trying to demonize a specific company or the internet in general. But there must be a more user friendly system to block unwarranted content. The user agreements need to be at least as user friendly as the sites themselves or the search engines. Currently there is far too much chance of an appropriate search yielding less than desirable results. Diane recently searched for weather events, more especially Rainbows, found a picture of a female with rainbow colored socks, a mini skirt and toes higher than her head. Please help us understand how to filter that one out? All for a school project for our youngest.

Societal changes have children living their whole lives online. In almost every scenario of products intended for use by an age appropriate adult, children must be limited and educated on the dangers. And that type of regulation is acceptable. Why not the internet?

But with kids and minors, strict parameters need to be set in place—very similar to alcohol and tobacco purchase or even guns and ammunition. Some form of proof must be presented before a purchase can take place-- parental permission is not allowed by law. But in the cases of an age appropriate controlled substance, access to and the means to make a purchase is denied by law. The laws and judicial system are in place to deal with any criminal activity. Punishment through a court system does not stop abuse, it merely deters dishonesty. With the marketing genius of so many companies online, why not restrict decisions of our children without proper parental consent?

Schools are restricted with what they can release with a child. Doctors are limited to treatment without presence of an adult. Banks have restrictions. Tattoo parlors even have restrictions but not the internet, and any of its social sites. It is a surf baby surf mentality. Why should social media engrossed within the internet be granted exclusion?

COPPA needs to define a child's right to privacy. COPPA needs to define parent's rights. Simply put, the FTC through its oversight of the internet and social media needs to completely refine COPPA to reflect the explosion of adolescent use, request emergency executive orders from the executive branch then immediately begin work with congress with an agenda that aggressively defends a child's **innocence**—NOT PRIVACY. **Innocence** will encompass privacy.

Warnings, even aggressive warnings, have not often worked. Smoking may be detrimental. Drink responsibly. Surf Safe. Wear a seatbelt. Don't talk and drive—use hands free device. Don't text and drive. Laws usually follow any major type of warning campaign. On many sites searched, the initial user agreement is full of platitudes. It says nothing and does nothing except obfuscate the underlying truth that money is more important than children. I think there is an intentional structuring of such agreements to

elevate frustrations and get on with “I accept”. Profit is put ahead of principles. Not children.

I believe that we can agree on 90% of what Diane and I have tried to convey with these remarks. And we need to work toward plausible solutions on those issues. As for the other 10% we will never find 100% agreement and those issues will be settled and resettled by a court. I think we can all agree that children are worth the effort. Children are foundation of our future and therefore are the inherent responsibility of adults in our family, our community, our government agencies, our legislators, our executive office and our judicial system. I think there is a term “*for the people by the people*” and our government is run by people--elected, appointed or employed. Any less than attention to our children is malfeasance.

Action will taken to these remarks—positive action or no action. It can't get worse. The FTC can work towards solutions mentioned, take no action or ponder over the best course of action. You can act swiftly, you can go to our president requesting an executive order, or you can go through executive branch and formally request congress take action. Or you can wait until a friend, a neighbor or fellow employee is adversely impacted by the inability for parent to remain in control of their child's cyber life and well being.

Every tool or product available when it meets a threshold of negative, adverse impact will be regulated, recalled or withdrawn. The FDA goes to painstaking levels to try and prove safety of a new release but as use widens, adverse impacts are revealed over time that were not found in trials. The internet and use of social media is a clinical trial played out everyday in front of the world. The FTC and FCC need to work together and follow the many precedents set forth by other government agencies when solving problems.

If we are the only parents that have difficulties with internet terms and conditions, I hope we are the only two cases made known to you and your staff— please let us all hope it is the first and last.

The internet can best be explained by a parent that has ever lost sight of a child at the grocery store or department store: First, PANIC; second, resist urge to scream; third, begin to search quietly albeit hurriedly; fourth; consider enlisting management to lock down store; fifth, thank stranger for finding child; sixth, scold child while showering with hugs and kisses (gender appropriate of course); seventh, consider either putting energetic child on leash or leaving child with a sitter or never shopping again. Almost every story like this has a happy ending. Same for the internet, but unfortunately there are cases that it does not. It is not unreasonable to expect a happy ending is there?

But as a civil servant, elected, appointed or employed by any government agency, ask yourself if the legacy you leave behind is one of reacting to yesterday's problems tomorrow out of fear of lobbyist or lawsuits? If you have children, any parent will agree they will do anything for their child. At the very least launch a large education program well beyond the scope of anything seen to date. Please take into consideration our concerns and suggestions.

Losing a child may help you understand our plight but it is not a lesson we wish upon anyone. We have come to terms with Eric's decision. A bright, knowledgeable, young man liked by many made a very poor decision in that the short term problem was made permanent on the morning January, 20, 2011. We still have unanswered questions but his friends and teachers reassure us often that they suspected nothing, saw nothing and reaffirm what we already knew: he was a bright, friendly, polite young man. But we will never know adequately if the internet, an email, a text of anything to do with social media had an influence over Eric's permanent decision. Nor will other parents unless placed back in control and healthy doses of common decency and compassion are integrated into the template policies we are aware of today.

Act now. Our future is at stake.

Sincerely,

Richard O. Rash  
Diane H. Rash