

Parents Matter

Protecting our children in a digital age



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KOSA's wrong-headed approach to internet safety is a recipe for disaster



By Rick Santorum

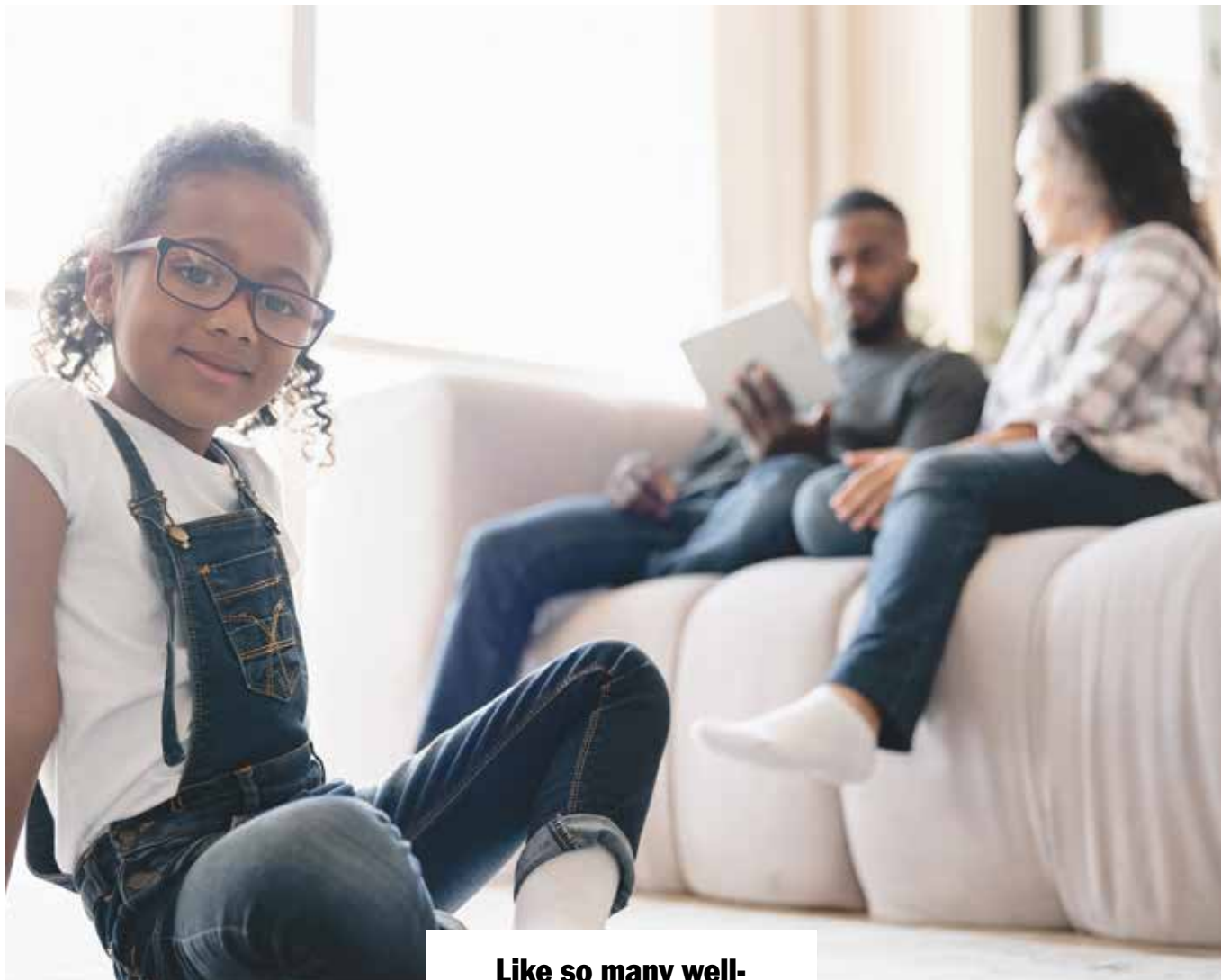
I have dedicated much of my time both in and out of public office to defending, protecting, and advocating for families and children – from protecting our children from physical threats they may face in our communities to fighting the threats posed by what they view on television and experience on the internet.

In the United States Senate, I worked to pass one of the first online safety laws as widespread use of the internet was still in its infancy. Nearly a decade later, in the aftermath of pop star Janet Jackson's exposure on national television during the Super Bowl halftime show, I led the charge for the passage of the *Broadcast Decency Enforcement Act* that put in place real penalties and fines for broadcasting obscene and indecent programming. And during my presidential campaigns, despite calls from both inside and outside my party, I never shied away from speaking out against the negative influence of a runaway culture.

My work was not borne out of political calculation; it was sparked by a concern for the impact our culture was having on our children. Spend one day in Congress and you will quickly learn that politics is downstream from culture, and our elected leadership is often the last line of defense against the negative influences of a culture that would otherwise remain unchecked.

That is why it may surprise some of my allies (and detractors) that I am adamantly opposed to the Kids Online Safety Act (KOSA) currently being debated in Congress.

KOSA's goal is to guard against children developing self-harm behaviors, like eating disorders or depression, and to insulate them from online bullying. I think, or would hope, we can all agree that these goals are commendable; but the way KOSA goes about trying to



accomplish this is wrong-headed.

Like so many well-intentioned government attempts to solve our problems, KOSA provides a one-size-fits-all answer to a challenge, an approach that any parent will tell you is naïve and a recipe for disaster.

My wife Karen and I are the proud parents of seven children – all of whom learn differently, process information differently, mature at different paces, and are just plain ... different. As parents, we know that each of our children are their own individuals and we raise them accordingly, with the common goal of helping each of them learn and grow into adults who will positively impact our society. And as parents, we are the first – and last – line of defense for our children's well-being.

That's why, rather than applying a top-down approach like KOSA, I would argue that it's far more productive to encourage and amplify parental involvement in every aspect of our children's lives, online or otherwise. Talk to your children about how to safely use the internet. Foster open lines of

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communication with your children so they are comfortable talking about what they see and how they interact online. Teach them about how to use the internet in the way that is best for them, just as parents do with other aspects of their children's growth.

As we've learned time and time again, the government does not know best -- parents do. Parents should be empowered, not a bloated government bureaucracy. If parents are replaced in this process, KOSA empowers government to step in by requiring the collection of massive amounts of personal data, infringement on free speech, and

actions that place the personal data of our children at risk – all in the name of protecting our children.

By leaning on government and not parents to protect and support our children, KOSA pushes platforms to overcorrect, and even denies access to too much useful content that would otherwise help our children learn and grow. A better solution would be to encourage the private sector to partner with parents to help monitor screentime and content accessibility and protect children from online predators.

Parenting is tough – no doubt about it. There are dangers around virtually every corner for our children. But expanding the role of government and its reach into our lives does not solve the challenges our families face in the digital age. Legislation like KOSA simply compounds them.

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Rick Santorum is a former two-term U.S. senator, two-term congressman, and presidential candidate. He is currently a senior advisor to the Convention of States and a contributor to Newsmax.



To keep kids safe online, don't cut constitutional corners



By Patrick Hedger

The American people have heard a lot from their elected representatives about the need to protect children online. No serious person disagrees with that sentiment. The more our lives take place online, the greater the potential for harm as well as good. Unfortunately, the proposals coming from Congress not only read like the homework of a kid cutting corners to get back to playing video games; they also have a real likelihood of making kids less safe online. Unable to navigate the collision of philosophical principles

and policy specifics, our lawmakers have drafted a bill that greatly undermines children's online privacy while placing an out-of-control Federal Trade Commission, with zero relevant child devel-

opment expertise, in charge of speech on the internet. That bill is called the Kids Online Safety Act (KOSA). KOSA has been circulating for years, and the sponsors of the legislation have attempted that entire time to outmaneuver criticism of their bill. Unfortunately, as so often happens, that maneuvering has been political and not substantive. As such, concerns related to censorship, politicized enforcement, and the First Amendment remain. The element that doesn't get enough attention is the near certainty that - if passed - this child safety bill will undermine child safety. KOSA leaves platforms with no other choice than to collect massive amounts of personally identifiable information from every single one of their users. That's because, to avoid penalties in the law,

If there is a genuine crisis of mental and emotional wellbeing in this country, then we should be marshaling the resources necessary to tackle that problem. Instead, we have politicians advancing ideas that they already know won't work.

platforms have to prove that they took steps to know who is and isn't a minor. This de facto collection and storage of children's information is a gold mine for scammers and predators. When a California law, similar to KOSA, was blocked by a judge, she raised the same concern, stating that age verification measures were likely "to exacerbate the problem" of children's privacy. Around the country, in states like California, Utah, Ohio, Arkansas, and Mississippi, KOSA-copycats are being put on hold by judges who recognize that the policy "solutions" inside those bills are no solution at all. This gets to the fundamental concern regarding the entire debate around KOSA. If protecting children online is such a major priority for lawmakers, they should act like it. If there is a genuine crisis of mental and emotional wellbeing in this country, then we should be marshaling the resources necessary to tackle that problem. Instead, we have politicians advancing ideas that

they already know won't work. They've already seen the courts step in to block similar bills. By now, lawmakers should have learned from that experience, convened relevant stakeholders, and shifted their legislation away from constitutional and privacy issues and towards solutions that would deal directly with mental health and child exploitation. Tellingly, nothing in the bill sends resources to law enforcement or mental health professionals, so the bill cannot reasonably be interested in shifting safety outcomes for children. Instead, the bill is stuck on an unconstitutional path to bully companies into censoring speech and violating the privacy of every American - including children. KOSA wants to solve major social problems. To do that, it imagines those problems as simple and straightforward, to its detriment. Privacy, speech, safety, law enforcement, and mental health are all multifaceted issues that demand complex solutions and broad buy-in from public and private actors. Trying to get around doing this kind of hard work is what is expected of children, not the elected leaders purportedly trying to protect them.

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Patrick Hedger is the executive director of the Taxpayers Protection Alliance, a nonprofit, nonpartisan taxpayer and consumer watchdog group.



KOSA: A solution in search of a problem

By Tirzah Duren

Everybody agrees that children need to be safe online. But the Kids Online Safety Act (KOSA) is not the solution – it’s little more than a grab bag of concerns and mandates not up to the task.

In the eyes of proponent policymakers, digital platforms like online gaming, video streaming, and social media are inherently harmful to minors. KOSA’s drafters intend to protect kids by wrangling online platforms with rules to limit addictive and harmful content exposure.

However, broad mandates and unclear definitions could accidentally limit access to beneficial products and services. One example is the prohibition of “dark patterns,” or internet design practices aimed at circumventing the agency of a user. The term is vague enough that it’s not clear where a dark pattern ends, and useful design decisions, aimed at helping users navigate a platform, begin.

Using a mixture of mandates and disclosure requirements, KOSA relies on a “general theory of harm” that dark

patterns and personal recommendations expose minors to harmful content in an online ecosystem where bullies and other nefarious actors lurk. Yet how exactly online activity harms children is unclear and still hotly debated.

A quick Google search reveals no shortage of headlines confirming a nega-

gold standard of research, randomized control trials.

In statistics, the absolute value of the correlation coefficient ranges from zero to one, with zero describing no correlation and one describing a perfect correlation. The closer the coefficient to one, the stronger the correlation. Haidt describes

KOSA’s objective is admirable: we should take steps to ensure children are safe online. But that noble pursuit is sullied by lawmaker eagerness to “just do something” rather than to do something well.

tive correlation between social media and mental health. Popular academics like Jonathan Haidt are leading the charge. Haidt’s most recent book, *The Anxious Generation*, outlines what he believes to be a causal relationship between increased social media use and rising mental health disorders.

As any good researcher should, Haidt overviews many studies in an attempt to establish a causal relationship between social media and declining mental health, including the empirical

a measly 0.17 correlation as “not trivial”—but it is. Any correlational relationship below 0.2 is considered weak.

So it is unsurprising that a Consensus Study Report by the National Academies of Sciences, Engineering, and Medicine concludes that the connection between social media and mental health in adolescents is mixed and weak. The report also highlighted how the pervasive nature of social media makes it difficult to separate the positive aspects from the negative for research purposes.

KOSA’s authors recognize this unsettled debate intuitively, acknowledging the problem with a requirement to contract with the National Academy of Sciences for research “on the risk of harms to minors by use of social media and other online platforms...” But that research already exists, disagrees on impact, and is ignored.

KOSA’s objective is admirable: we should take steps to ensure children are safe online. But that noble pursuit is sullied by lawmaker eagerness to “just do something” rather than to do something well.

Rather than rush to action, lawmakers should prioritize effective legislation. This means waiting for a consensus rather than rushing to conclusions based on mixed evidence. Without more research, KOSA offers nothing more than vague solutions and unintended consequences in search of problems.

Tirzah Duren is the Vice President of Policy for the American Consumer Institute, a nonprofit educational organization. For more information about the Institute, visit TheAmericanConsumer.org or follow us on X @ConsumerPal.

KOSA is a poor substitute for parenting



By Jessica Melugin

Good parenting was always a lot of work, but guarding kids' online mental health has added to the parental load. Not every problem has a policy solution, though. As is the case with most things, the best solutions for safeguarding kids online lie with families, not regulators or politicians.

It would be nice if politicians could wave a magic regulatory wand and tackle this challenge for parents (along with solving what to make for dinner, how to get the kids to travel sports games, and when to tackle all that laundry, while they're at it), but as those calling for school choice have learned the hard way, outsourcing parenting to the government doesn't end well.

One particularly bad, but well-intentioned, approach is the Kids Online Safety Act (KOSA). The House and Senate versions differ slightly, but the gist of these proposals is the same. They stipulate that online platforms have a "duty of care" to guard against kids engaging in self-harm; developing eating disorders, substance dependency, depression, or anxiety; and encountering bullying content online. These are noble goals, but they're easier said than done.

There's not a lot of hard science to back up the claim that, on balance, social media is all bad for all kids. But parents don't need peer-viewed studies to know when there's a problem with their own child. While some kids might benefit from online information and communities, some may find them harmful. This often depends on the child and may vary wildly even within the same age group, so there's no silver bullet regulation that will work for all kids. Parents are the first and best line of defense for their kids' mental wellbeing and, luckily, no one is a better judge of a child's individual experience than his or her parent.

Many experts agree that parents communicate with their kids about online



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safety is key. Parents talking to their kids about how to stay safe online and urging them to speak up if there's a problem is a relatively new parental duty, but an important one; the internet isn't going anywhere. As kids get older, they'll need the online world to learn, communicate and eventually pursue professional goals. It's better for parents to teach kids to maximize the internet's benefits and minimize its pitfalls, just as they teach about safety in the physical world.

But parents don't have to go it alone. This challenge of teaching kids to navigate the internet safely is a big opportunity for entrepreneurs. There are already tools available at every level of the tech stack to help parents control and monitor their kids' online experience. Social media platforms offer services for family pairing and daily screen time limits that parents can control. Internet service providers allow parents to block age-inappropriate content and turn off connectivity at certain hours. There are many 'apps to help too. One of them, Bark, will tell parents everything their child is doing on their device: it tracks their location, manages their screen time, and blocks unwanted content.

KOSA would incentivize age verification for all users because platforms can't

treat minors differently if they don't know who is and is not a minor. That means users of all ages would likely have to upload some type of official identification, like a driver's license, or use an age verification service. Either way, it's a serious blow to anonymous speech, an important tradition in our country dating back to the Federalist Papers and more important now than ever, with the rise of cancel culture.

Age verification also makes even more user data vulnerable to hacking. Just recently, AUIOTIX, an identity verification service used by big tech platforms like TikTok and X, left sensitive personal data exposed for more than a year. Big tech platforms that know your shopping preferences so they can sell ads for things you like might not keep you up at night, but hacked services that have your face scan, social security number or driver's license should give you pause.

The bill also pushes platforms to overcorrect by denying too much content to users. KOSA's vague and overly broad language will prompt platforms to err on the side of caution. Not wanting to face legal consequences for judgment calls on the margin, more speech will be curtailed than even lawmakers intended. That type of uncertainty makes it difficult for platforms to balance legal requirements with customer preference and could deny youngsters a great deal of safe and beneficial content.

KOSA is a cure worse than the disease. It's better to let parents do the parenting.

Jessica Melugin is the director of the Center for Technology and Innovation at the Competitive Enterprise Institute.

The government already does too much. Don't let it parent our kids, too.



By Daniel J. Erspamer

Virtually every American can agree that parents know what's best for their children. While a vocal minority of the most progressive people in this country may disagree, the truth is that the government makes a pretty terrible parent. Indeed, the work of the liberty movement to which I've dedicated more than 20 years of my life has been focused on empowering individuals to make more and better-informed choices for themselves.

A bill before Congress, the Kids Online Safety Act (KOSA), undermines that important effort. Instead of empowering parents, it empowers the government to take their place. Instead of allowing families to have the difficult conversations about what is and isn't appropriate online behavior and how to stay safe, KOSA gives the government the power to make those decisions instead. That is a clear violation of individual privacy and would almost certainly make our children less safe, despite its stated intentions.

KOSA has died and been revived so many times throughout the legislative process of the past few Congresses that it is important to understand what animates it. While we believe this is a dangerous bill, most of its sponsors and cosponsors want what everyone wants: for kids to be safe online. That aim is absolutely to be commended. That said, sound policymaking is about outcomes rather than intentions.

As my colleagues at the Pelican Institute have written before, KOSA attempts to stake out federal standards of what is and is not appropriate for children to see online. It does this by creating a legal "duty of care" that would make it easier to sue companies unless they block certain content. Furthermore,



to determine who is a minor for the purposes of enforcing these vague standards, companies would be forced to collect massive amounts of data on every user to confirm their identity and age. This would, in turn, infringe on private free speech (a protected right dating back to our founders) and put our data privacy at greater risk. That's not even taking into account the absurd federal government council that would advise and guide decisions related to online speech. A speech commission stacked with bureaucrats and political cronies: what could go wrong?

Equally important to consider is what isn't in the bill text. There are no resources for educational efforts to teach kids and parents how to safely use technology. There is no language to strengthen law enforcement responses to

online abuse or funding for existing law enforcement efforts to combat exploitation. There is nothing – not a single line of legislative text – that directly addresses the kind of nefarious behavior that the government is actually empowered to defend our children against without stripping us of constitutional rights.

Raising kids in the digital age is hard. Really hard. My wife and I have four kids (including two teenagers), and it's not for the faint of heart. That's why one of the main arguments made by KOSA supporters goes like this: the difficulty of navigating a life online has reached a point that it has advanced beyond the capacity of parents to handle. This somehow justifies, they argue, the intervention of that "national nanny" in our parenting decisions. The truth is, there are few aspects of parenting that

aren't difficult, and kids don't come with instruction manuals. Bringing up your children to have an active and fulfilling faith life has become a major challenge. So too has making sure your child's education is one of quality that also conforms to your values. In each of those cases, those of us who strive for limited government and parental empowerment seek not to take those challenging duties away from parents but instead to allow them to make even more decisions for themselves and their families.

School choice is a useful analogy to the principles at work in KOSA. In my home state of Louisiana, we've just won a hard-fought victory for education freedom. Many of the same conservatives who have dedicated decades to fighting for the rights of families to give their children an education that better reflects their needs are now being wooed to support KOSA. Make no mistake: this is the opposite of parental empowerment, choice, and responsibility. We already know that the path to better outcomes for our kids lies in the family, not the government. So why would free expression be any different? KOSA ostensibly aims to make things

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easier for parents by stripping them of responsibility. That's pure folly. In reality, this is nothing more than a big government power play.

The idea that no government should dictate education or faith decisions to parents is a bedrock of conservative principles. It is not the government's job to make our lives easier, especially as parents.

It is instead the government's job to make us freer and to clear barriers to opportunity so that everyone has the chance to flourish according to each person's priorities and values. KOSA may be well intended, but it is at odds with our system of constitutional rights, our values as limited-government conservatives, and our interests regarding the safety and well-being of our children. It should be opposed.

Daniel J. Erspamer is the CEO of the Pelican Institute for Public Policy, which works to ensure every Louisianan has the opportunity to flourish.

Under ruse of protecting kids, Congress tries to join the global censorship regime



By Edward Longe

The year 2024 has become a turning point for online expression. In just seven months, governments worldwide have launched a coordinated assault on digital free speech, signaling a global trend toward regulating online discourse.

The efforts of totalitarian governments to control speech are well documented and evident to us all, but similar efforts are now also underway in the free world and in countries that claim to be havens of open dialogue. Recently, Canadian lawmakers have begun exploring paths to stripping protections from religious speech while Australia has brazenly attempted to create and export a censorship regime.

Not to be outdone, the United States is attempting to join the global censorship movement with the Kids Online Safety Act (KOSA). Pitched as a harmless bill to protect America's teens in the digital world, KOSA is a wolf in sheep's clothing, more likely to muzzle speech and infringe upon constitutional freedom of speech right than to provide the critical protections needed to keep America's teens safe online.

While Canada and Australia have free speech enshrined or implied in their constitutions, neither document is as robust in protecting speech as the First Amendment. U.S. courts, including the Supreme Court, have routinely upheld the First Amendment and prevented lawmakers in Congress and statehouses across the country from enacting legislation that abridges freedom of speech or expression. Lawmakers and their communications staff are creative and often package censorship bills, such as the Kids Online Safety bills, as legislation that addresses parents' concern about the impact of social media on their teens.



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KOSA plays into these legitimate concerns. Unfortunately, while it masquerades as a teen online safety bill, KOSA would strip away the First Amendment protections that Americans hold dear. The most egregious violation would stem from a requirement strong-arming social media platforms into age-verifying and creating an "ID for the internet." Under this new regime, everyone would be required to prove their identity regardless of age, and the constitutional right to anonymity, which has been affirmed as part of the First Amendment, would disappear. Equally concerning is the reality that millions of Americans would be forced to give up their personal information to tech companies and, worse, the government.

States that have tried to enact social media age verification requirements akin to KOSA have run into constitutional roadblocks, highlighting the legal uncertainty that lies ahead. Utah's sweeping Social Media Regulation Act was supposed to go into effect in March of this year but was delayed by litigation and ultimately repealed and replaced by lawmakers in Salt Lake City. Lawmakers in Arkansas passed a similar bill requiring social media platforms to age-verify

users, only for courts to injunct the bill, stating that age verification "imposes significant burdens on adult access to constitutionally protected speech and discourage[s] users from accessing the regulated sites." As such, it has the effect of chilling speech and thus violating the First Amendment.

Unlike lawmakers across the world and in D.C. who are pushing a censorship regime, lawmakers in Tallahassee have made freedom an organizing principle rather than a simple slogan. Instead of requiring mass government

surveillance of all social media activity, Florida now requires all public school students to learn healthy social media habits. The benefits of such a law are simple: rather than suppressing speech and destroying online anonymity, Florida will send students into the digital world equipped with the skills to navigate social media platforms safely.

Simply put, Florida has shown that there is a false choice between protecting children and protecting the First Amendment.

With Congress bitterly divided and a presidential election fast approaching, it's unlikely that KOSA will reach the White House anytime soon, but that does not mean that lawmakers in Washington will stop their assault on freedom of speech or their attempts to dilute the power of the First Amendment. Under the guise of protecting, KOSA will undoubtedly rear its ugly head in the future.

Americans must remain vigilant. Otherwise, the rights we hold dear could become a distant memory.

Dr. Edward Longe is the director of the Center for Technology and Innovation at The James Madison Institute.