

# MASS High Tech

THE JOURNAL OF NEW ENGLAND TECHNOLOGY

Vol. 20 Issue 16

APRIL 22-28, 2002

## How would we live without the Net? Many still do

BE HENRY DINGER

How did we ever survive without \_\_\_\_? We can all fill in the blank with gadgets and other things that have changed the way we manage our lives.

Cell phones, VCRs, fax machines, PDAs, word processing, take-out sushi, a zillion coffee styles . . . the list goes on of things we cannot imagine forgoing.

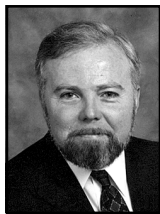
For most of us — certainly for the readers of this publication — the Internet falls into this category of “necessities” that not too long ago did not exist.

How could we negotiate a complex document without exchanging red-lined drafts by e-mail? How could we get sports scores in real time without espn.com? How could we get driving directions in another state without MapQuest? How could our teenage kids plan the simplest group activity without at least two and a half hours of online chat?

The “necessitization” of the Internet struck me recently as I read a recent federal appellate case that deemed denial of computer access an inappropriately harsh condition on probation even when imposed on an offender who had used computers to perpetrate his crime.

The case involved a man convicted of receiving child pornography online. Most conditions of his probation were not challenged, but the defendant also was prohib-

### GUEST COMMENTARY



Henry Dinger

ited from accessing a computer, the Internet or any bulletin board system during probation.

The court of appeals considered that unreasonable, saying “A total ban on Internet access prevents use of e-mail, an increas-

ingly widely used form of communication and . . . prevents other commonplace computer uses such as accessing any research, get[ting] a weather forecast or read[ing] a newspaper online.”

Implicit in the court of appeals decision is that the Internet is not simply a luxury or a source of entertainment but a practical “necessity” of life in the sense that I discussed above.

Sure, people can communicate and obtain information offline. But it will increasingly constitute a burden to do so, and the inability to use the Internet will more and more isolate those that lack online access into informational and communications ghettos, hardly a formula for successful rehabilitation.

I expect that most of you agree with the court. I certainly do. But the larger implications of the court’s decision present a serious challenge to us and to the society we populate.

Several years ago we read a lot about the “digital divide” between the Internet “haves” — mostly middle-class, mostly white, mostly urban — and the “have-nots” — mostly none of the above.

The Clinton Administration made closing that gap a priority. With the change in administration, priorities have shifted and resources diverted to other things. In fairness, since Sept. 11 there have been other pressing matters that have demanded attention.

But the significance of the digital divide also grows inexorably. If we who read *Mass High Tech* cannot imagine doing without e-mail and the Internet, try to wrap your minds around the fact that there are whole communities in this country that are doing without them. (You’ll find useful information on this subject at [www.digitaldividenetwork.org](http://www.digitaldividenetwork.org).)

Imagine how much more necessary access to the Internet will be in a year, in five years, or in 20 years when the children born in these communities today will be looking for a job. If a miscreant who used the Internet to share child pornography cannot justly be kept offline, how can we tolerate leaving offline those whose only crime is poverty?

*Henry Dinger is a lawyer for the Boston firm of Goodwin Procter. He can be reached at [hdinger@goodwinprocter.com](mailto:hdinger@goodwinprocter.com).*

Reprinted for web use with permission of *MASS High Tech*. ©2002, all rights reserved.

Reprinted by Scoop ReprintSource 1-800-767-3263