

Military Internet Regulations Raise Concerns Over American and British Soldiers' Free Speech Rights

An update to Army rules on operations security (OPSEC) and a Department of Defense-wide ban on use of Web sites like YouTube and MySpace have fueled an ongoing debate over soldiers' use of the Internet to express themselves freely.

On May 2, 2007, *Wired* magazine's Noah Shachtman reported on Army Regulation 530-1, "Operations Security (OPSEC)," which was updated April 19, 2007, and directs all military personnel on protecting "sensitive" information that, though not classified, can "be useful to adversaries," if disseminated publicly.

Section 2-1 of the regulation requires that "all Department of the Army personnel . . . and [Department of Defense] contractors . . . consult with their immediate supervisor and their OPSEC Officer for an OPSEC review prior to publishing or posting information in a public forum." The regulation says such information "includes, but is not limited to letters, resumes, articles for publication, electronic mail (e-mail), Web site postings, web log (blog) postings, discussion in Internet information forums, discussion in Internet message boards or other forms of dissemination or documentation." The rules can be found at http://blog.wired.com/defense/files/army_reg_530_1_updated.pdf.

Some commentators and military bloggers said the new rule was so restrictive it would effectively end blogging, and possibly even e-mail, for active soldiers in Iraq and Afghanistan.

Shachtman's article, posted in *Wired*'s Danger Room blog, quoted Matthew Burden, a retired paratrooper, founder of the military blog Blackfive, and editor of the anthology "The Blog of War," who said, "this is the final nail in the coffin for combat blogging."

"The soldiers who will attempt to fly under the radar and post negative items about the military, mission, and commanders will continue to do so under the new [regulations]," Burden said. "The soldiers who've been playing ball the last few years, [who are] the vast . . . majority will be reduced."

Steven Aftergood, director of the Federation of American Scientists' Project on Government Secrecy and editor of *Secrecy News*, was critical of what he called "a serious conceptual muddle" in the regulation.

“The new regulation conflates OPSEC, which is supposed to be a defense against adversaries of the United States, with [Freedom of Information Act] restrictions, which regulate public access to government information,” Aftergood said. “As a result, it appears that OPSEC procedures are now to be used to control access to predecisional documents, copyrighted or proprietary material, and other FOIA exempt records.”

Responding to the criticism, U.S. Army Public Affairs released a fact sheet on May 2 titled “Army Operations Security: Soldier Blogging Unchanged.” The fact sheet said that while Army Regulation 530-1 was updated on April 17, 2007, “the wording and policies on blogging remain the same from the July 2005 guidance first put out by the U.S. Army in Iraq for battlefield blogging.”

The fact sheet said that, as in 2005 and 2006, soldiers who wish to establish blogs should inform an OPSEC officer “to allow the OPSEC officer an opportunity to explain to the soldier matters to be aware of when posting military-related content in a public, global forum.” Soldiers do not need to consult with an OPSEC officer if they do not use government equipment in order to post to their blogs, and if the blogs are not military related and do not appear to represent the Army in any way, according to the fact sheet.

The fact sheet also said that soldiers do not have to seek permission from a supervisor to send personal e-mails because they are considered private communication. “However,” the fact sheet said, “if someone later posts an email in a public forum containing information sensitive to OPSEC considerations, an issue may then arise.”

In a May 3 follow-up story in the Danger Room blog, Shachtman said the fact sheet gave the appearance that the Army was “backing away from new regulations.” Aftergood said that although the fact sheet expressed “a much more sensible approach to the issue,” it was also “significantly at odds with the language of the regulation.”

A month after the regulation was initially disclosed, the Associated Press (AP) reported that little had effectively changed in soldiers’ online communication from the front.

A June 2 article profiled an Iraq-based 82nd Airborne Division corporal who halted his blog, Eighty Deuce on the Loose in Iraq, after learning of Regulation 530-1. The corporal decided to continue blogging, however, after a discussion with his platoon leader.

The AP also reported the Army has said it does not have enough staff to screen all public communication on military networks and that “there has been

no indication that soldiers, whose families rely on the Internet for daily reports on their safety, have faced any new systematic obstacles.”

Web Sites Banned on Military Computers

On May 14, a Department of Defense (DoD) rule went into effect which bans the use of 13 video, music, and social networking Web sites by military personnel on military computers.

The rule bans video-sharing sites YouTube, Metacafe, iFilm, StupidVideos, and FileCabi; social networking sites MySpace, BlackPlanet, and Hi5; music sites Pandora, MTV, 1.fm, and live365, and the photo-sharing site Photobucket. According to the AP, personnel were notified of the upcoming rule change in February.

Pentagon spokesman Col. Gary Keck told the AP the ban was instituted in order to preserve network bandwidth and to “enhance and increase network security.”

Some soldiers and family members expressed concern about limits on their ability to use the Internet to keep in touch.

Corey Robinson, a 20-month veteran of Afghanistan and Iraq, told *The New York Times* that Web sites like those that were banned are “like modern-day forms of writing letters.”

“When we were able to use the Internet, there was a huge difference in our morale,” Robinson said.

Becky Davis, whose son is serving in Iraq, helps maintain a blog on the Military Families Voice of Victory Web site. According to *The New York Times*, Davis said she was unsure whether links she provided to YouTube videos would be blocked.

“I am concerned about how this directive is going to impact the families,” Davis said.

The AP reported that officials from YouTube said they were trying to work with the Pentagon in order to resolve bandwidth concerns or partially repeal the ban.

YouTube officials said they were puzzled by the rule because it came just days after the military launched its own channel on YouTube offering what it calls a “boots-on-the-ground” perspective of scenes of combat, according to the May 18 AP story. Chief Executive Chad Hurley expressed doubts that the military’s massive computer network could be tied up by soldiers uploading or viewing videos.

Mike Thiem, a spokesman for the Defense Information Systems Agency, told *The New York Times* that the ban was unlikely to limit communication between soldiers and the home front.

Thiem cited “alternative ways of communicating with loved ones,” including private Internet cafes on military bases and soldiers using their own personal computers instead of government equipment as ways around the ban.

British Ministry of Defence Enacts Restrictions

On Aug. 10, 2007, *The Guardian* of London reported that the British Ministry of Defence (MoD) had issued new guidelines pertaining to soldiers’ ability to speak about service activities.

Under the new rules, “soldiers, sailors and airforce personnel will not be able to blog, take part in surveys, speak in public, post on bulletin boards, play in multi-player computer games or send text messages or photographs without the permission of a superior if the information they use concerns matters of defense,” *The Guardian* reported.

Military personnel are also forbidden from receiving money for interviews, conferences, or books based on their military service. Two sailors on the HMS Cornwall who were held captive in Iran in March 2007 were reportedly paid for their stories after they were released.

According to *The Guardian*, the rules state that “all . . . communication must help to maintain and, where possible, enhance the reputation of defence.”

The Guardian reported that the announcement sparked angry responses from soldiers, many in online forums, saying their freedom of speech was being stifled.

Human rights lawyer Geoffrey Robertson told *The Guardian* that the guidelines probably conflict with the Human Rights Act.

“It’s increasingly important, given Britain’s escalating foreign troop engagements, often in conjunction with less-disciplined forces, that soldiers, officers and officials can speak frankly to the media about their engagements without having their honest briefing subject to any spin,” Robertson said.

MoD Director General of Media Communications Simon McDowell said the rules were meant to “give straightforward, clear guidance that is up to date,” not to censor soldiers, adding that the rules applied to communication about defense matters, “not personal things.”

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