

Dick Day's destiny was not to be an officeholder, but to be a man who seized on important issues from the grassroots. Day joined with Bill Kortum, Chuck Rhinehart and others to fight against an attempt by private developers to block 13 miles of spectacular coast from coastal access. As the attorney for Californians Organized to Acquire Access to State Tidelands (COAST), Day was able to convince the state Supreme Court to overturn a county supervisor decision favorable to developers; and later become instrumental in the passage of a statewide measure that guaranteed public access to beaches in the state and formed a new agency, the California Coastal Commission which is chartered to protect California's coastline from over development.

In an ongoing fight against unrestrained growth, Day served on the board of Sonoma County Tomorrow; was a founder of a coalition of Santa Rosa neighborhood groups and became chair of the Committee to Oppose Warm Springs Dam. Later he helped form Concerned Citizens for Santa Rosa, which became an influential player in Santa Rosa politics and a training ground for several future leaders, including current California Assemblywoman Pat Wiggins. Day was also a founder of Sonoma County Environmental Action, an effective grassroots political organization that helped elect numerous environmental progressives to Sonoma County city and county government. Fighting against sprawl, Day pushed for city-centered transit as a founder of the Sonoma County Transportation Coalition and for downtown revitalization as a member of Heart of Santa Rosa.

Dick Day provided both legal advice and political savvy to all of these groups. Always outspoken, he learned he was most effective in a background role. When there was press release, a letter to the editor, a legal challenge to be written, Dick Day was always ready to serve. He didn't always carry the day, but working with others, he won significant victories in protecting the Russian River against dredging, limiting campaign contributions in local elections, creating greenbelts around the county's cities, and defeating tax measures to widen highways without developing public transit. Representing the Sierra Club he won a

settlement from the Santa Rosa City Council in the early 80's, after charging that the Council acted improperly in providing tax incentives to the developers of a shopping center.

Dick Day had many opponents, but no real enemies. It was clear that he was coming from a place of integrity. He was a gregarious man, always armed with a quip. He loved to hold court in Mac's Delicatessen in downtown Santa Rosa, advise and josh his friends, and debate and trade barbs with folks of other political persuasions. Politics was play to Dick as much as it was serious business.

He was blessed with long and loving relationship with his wife, Jean, who was a partner in all of his endeavors, and helped provide a home full of warmth, good conversation and books. Jean died last year, and Dick carried on bravely though his heart was broken.

We will miss Dick Day. His activism showed us that dedicated, informed citizens can make democracy work. And clearly, for all who knew him, Dick Day has been elected to our hearts for life.

THE "ONLINE CRIMINAL LIABILITY STANDARDIZATION ACT"

HON. BOB GOODLATTE

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 12, 2002

Mr. GOODLATTE. Mr. Speaker, no single issue will have a greater impact on the future of the Internet than the resolution of how the government will regulate conduct and content on the Internet. That is why I am introducing today, the "Online Criminal Liability Standardization Act", legislation that would create a uniform standard limiting service providers' liability for content that third parties have stored or placed on their systems.

Criminal statutes regulating online criminal activity have taken varied approaches to the liability of service providers. This has created uncertainty for service providers as they wade through the myriad of criminal statutes and the various standards to which they are held liable. Service providers are expected to choose

the correct law, from among many competing jurisdictions, and apply it to each of the millions of activities that occur daily on their networks.

Instead of focusing on those who initiate or profit from illegal activity, some proposals would hold service providers criminally liable for the conduct, activities, and decisions of third parties who use their services. Under many of these proposals, culpability would arise regardless of whether a service provider has any relationship with the user or the offending site, or intends to facilitate the illegal activity. These approaches will not work. There are more effective and responsible ways to combat illegal conduct on the Internet. Instead of targeting service providers, solutions should focus on those who engage in unlawful activity.

The "Online Criminal Liability Standardization Act" would amend the criminal code by clarifying that an interactive computer service provider would generally not be liable under federal criminal law for the actions of third party users. This limitation is narrowly constructed, however. First, it applies only to corporations and not to individuals, who perpetrate the vast majority of computer crimes. Second, it applies only to content provided by third parties—not to content that the provider creates or develops jointly with another person. Third, it applies only to communications functions performed in the ordinary course of the corporation's business—so that interactive computer services would not be protected if they undertook a new business venture that was illegal. Fourth, the limitation does not apply in instances where a senior employee of a corporation has actual knowledge of the illegal activity. Fifth, it does not apply to employees of a corporation who may engage in illegal activity. And finally, it does not apply to violations of federal criminal copyright laws.

I urge each of my colleagues to support this important legislation to give service providers certainty and clarity by creating a uniform standard limiting service providers' liability for content that third parties have stored or placed on their systems.