

INVASION OF THE CYBERCENSORS

The battle for the soul of the Internet **By Hal Plotkin**

"Almighty God, Lord of all life, we praise You for the advancements in computerized communications that we enjoy in our time. Sadly, however, there are those who are littering this information superhighway with obscene, indecent and destructive pornography. Virtual but virtueless reality is projected in the most twisted, sick misuse of sexuality. Violent people with sexual pathology are able to stalk and harass the innocent. Cyber solicitation of teenagers reveals the dark side of online victimization. Lord, we are profoundly concerned about the impact of this on our children. We have learned from careful study how children can become addicted to pornography at an early age. Their understanding and appreciation of Your gift of sexuality can be denigrated and eventually debilitated. Pornography disallowed in print and the mail is now readily available to young children who learn how to use the computer. Oh God, help us care for our children. Give us wisdom to create regulations that will protect the innocent. In times past, You have used the Senate to deal with problems of air and water pollution, and the misuse of our natural resources. Lord, give us courage to balance our reverence for freedom of speech with responsibility for what is said and depicted. Now, guide the Senators when they consider ways of controlling the pollution of computer communications and how to preserve one of our greatest resources: The minds of our children and the future and moral strength of our Nation."

WITH THAT UNUSUAL opening prayer delivered by its chaplain, the United States Senate began deliberations on Sen. James Exon's (D-Nebraska) Communications Decency Act, an amendment to the telecommunications bill that passed the Senate last week and will soon go to the House of Representatives. After a chorus of hearty amens, complained Sen. Russ Feingold (D-Wisconsin), "it was very hard to focus my colleagues" on the fact that they were about to vote in favor of repealing the First Amendment for those who use or operate online services.

As Decency Act cosponsor Dan Coats (R-Indiana) described a "vast library of obscenity and indecency," Sen. Exon passed around a blue binder packed with lurid downloaded images. "I'm not talking about *Playboy* and *Penthouse* magazines," Exon assured onlookers as he invited them to take a peek. "I am talking about the most hard-core, perverse types of pornography, photos and stories featuring torture, child abuse and bestiality."

If signed into law, Exon's bill—approved last week by a vote of 84 to 16 with the support of both California senators—will criminalize a wide range of online conduct and impose fines of up to \$100,000 and prison terms of up to two years for people who knowingly transmit indecent material over a computer network accessible to youths under the age of 18.

It would also punish those who make any "obscene, lewd, lascivious, filthy or indecent" request, comment or suggestion over a computer network that is intended to harass or annoy another person. The only exception is in cases where online service providers merely transmit banned material from private billboards without actually storing the salacious bytes in any of their publicly accessible forums, newsgroups or archives.

For Sen. Exon, nearing retirement at the end of two undistinguished decades of federal service, the legislation offers the opportunity to cap his career as the senator who saved America's children. As innocuous as a bill to protect kids from porn sounds, the measure was immediately denounced by a broad chorus of voices from the online community and civil liberties groups worried about the legislation's unintended consequences, namely its potential to destroy the online phenomenon as

a medium for commerce and communication.

"They are trying to create a standard for the Internet that would not apply to other forms of communications, such as newspapers or street-corner conversations," Sen. Russ Feingold said in an interview. "It's clearly discriminatory and unconstitutional."

The Wisconsin legislator thinks the legislation was crafted by "people who really don't understand what this technology is



Senators for Censorship: Boxer and Feinstein supported Exon.