

AFCON

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Academic Freedom Coalition of Nebraska

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JOHN BENDER
PRESIDENT
MEL KRUTZ
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TOM BLACK
EDITOR

CONGRESS SHALL
MAKE NO LAW
RESPECTING AN
ESTABLISHMENT
OF RELIGION, OR
PROHIBITING THE
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ABRIDGING THE
FREEDOM OF
SPEECH, OR OF
THE PRESS; OR
THE RIGHT OF THE
PEOPLE
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TO PETITION THE
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Communication Decency Act: Censorship or Freedom?

The Communication Decency Act (CDA,) Section 507 of the Telecommunications Act of 1996, became law when President Clinton signed the bill on February 8. It was introduced by Senator James Exon (D-Nebraska.) The Act was a response to concerns about pornographic and other questionable content accessible to virtually anyone with a computer, including minors, on the Net.

The CDA imposes penalties on anyone who knowingly makes, creates, or solicits and initiates the transmission of any comment, request, suggestion, proposal, image, or other communication that is obscene or indecent, knowing that the recipient of the communication is under 18 years of age. Those found guilty under the law could be sentenced to a maximum of two years in prison and fined up to \$250,000.

The American Civil Liberties Union (ACLU) and a Citizens Internet Empowerment Coalition (CIEC,) including the American Library Association and Planned Parenthood Federation of

America filed a lawsuit and won an injunction against implementation of the CDA as part of a ruling in which a panel of three judges in a Philadelphia federal district court unanimously declared the Act unconstitutional.

Federal District Judge Stewart Dalzell wrote, "The Internet may fairly be regarded as a never-ending worldwide conversation. The government may not, through the CDA, interrupt that conversation. As the most participatory form of mass speech yet developed, the Internet deserves the highest protection from government intrusion."

The federal government appealed the decision to the U.S. Supreme Court, which set hearings on the CDA for March 19, 1997.

The ACLU submitted a brief with these arguments:

* Technical means do not exist to verify ages and identities of visitors to the Web sites.

* Users have a right to access information anonymously, and the CDA seeks to deny them that right.

* The government may not make laws that violate constitutionally protected speech for adults in the
(Continued on page 2.)

Christian Coalition 1997 Agenda

In 1995, the Christian Coalition introduced the Contract for the American Family. Now in 1997, the Coalition offers The Samaritan Project.

Their agenda includes:

* HOPE AND OPPORTUNITY SCHOLARSHIPS... Vouchers under a new name; scholarships to low-income children in 100 of the most impoverished, violent, or drug-ridden school districts, giving low-income parents an alternative and the same opportunities for their children that others have.

* CHARITABLE GIVING. \$500 tax credits for taxpayers who give both financial assistance and at least 10 hours of volunteer time to a private community service organization that serves the poor.

* FAITH SOLUTIONS. Remove obstacles that keep faith-based drug treatment programs from ministering to the soul as well as the body by allowing states to use private drug rehabilitation programs.

Christian Coalition 1997 Agenda

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OTHER ISSUES.

* Enact a constitutional amendment to protect people of faith from discrimination in the public square.

* Enact a \$500 per child tax credit, providing a benefit for overtaxed families to keep more of their incomes.

* Enact legislation which will privatize the National Endowment for the Arts and the Legal Services Corporation.

(PFAW contributed to this article.)

Right Wing Watch

The Christian Coalition's February direct mail letter asked supporters to promote legalizing voluntary school prayer and ending anti-Christian bigotry.

The Eagle Forum's February newsletter joined the move to put pressure on Congress to "curb the imperial judiciary...since law-abiding citizens can't hold the life-tenured radical judges accountable..."

The American Family Association believed the new TV rating system will "guarantee more sex, violence, and profanity on the air" and has started a campaign to monitor programs and to boycott the leading sponsors of the programs rated TV-14 and TV-M.

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Communication Decency Act: Censorship or Freedom?

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guise of protecting children .

* The CDA is an unconstitutional ban on speech for all Internet surfers. The CDA criminalizes adult speech—in newsgroups, email, chat rooms, commercial online services, and the Web—about such topics as AIDS, safe sex practices, rape, gay and lesbian issues, abortion, and human rights.

* The CDA is too broad, vague, and ineffective. The global nature of the Internet makes it almost impossible for the U.S. government to shield children from online pornography. The ACLU argues parents should be responsible for monitoring their children's surfing.

The brief of the CIEC emphasized:

* Unlike the "dial-a-porn" law, upon which the CDA was modeled, the CDA is not expressly limited to

c o m m e r c i a l speakers—those who charge for access to their speech.

* When Congress inserted the "indecent" and "patently offensive" standards into the CDA, it indicated it intended to adopt the broadcast standard used by the Federal Communications Commission. The district court found that the Internet is more akin to telephone communications.

* Indecent material on the Internet must be actively sought out, and most online content is preceded by a description. Therefore government regulation is not needed because parents have much greater ability to block or screen content on the Internet than with radio or television.

The federal government's brief presented these arguments:

* Children generally can't

make informed choices about whether to view indecent material. Because such speech may have harmful effects on children, it should not be protected by the First Amendment. Because there is no First Amendment right to disseminate indecent material to children, the transmission and specific child provisions must be upheld.

* The government has a right to censor certain indecent material because the interest of protecting children supersedes the adult right to have access to such content. The law does not ban the dissemination of all indecent material to adults.

* People can post indecent material in the Internet as long as they control access to it. One option is requiring proof of identification through a credit card

(News.Com CNET contributed to this article.)

Right Wing Watch

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On the February broadcast of Christian Coalition Live, Ralph Reed said their Samaritan Project will “give children in the inner cities, trapped in schools that are unsafe and where they cannot learn, a chance to attend schools where they not only learn how to add and subtract and how to read and write but they learn how to pray and they learn how to read the Bible and they learn how to honor and worship God.”

A Focus on the Family radio series, February 5-7 focused on the “gay agenda.” Speaker Anthony Falzarano said, “The one thing the gay community hates the most is some blue-haired mom, you know, housewife, coming into the library and starting to look and find out about these gay books that are being pushed into our public school library and into the community library. Moms, wake up out there and know that the gay community is after indoctrinating your children into the homosexual lifestyle.”

The Christian Coalition, through its Web Page, offered visitors an opportunity to send their comments about what’s wrong and what’s right with their public schools. Suggested comments skew responses to the negative: “lack of parental involvement, values education, test scores, outcome-based education, sex education, and wasteful spending.

(People for the American Way contributed to this article.)

Property Taxes

The Supreme Court of Vermont unanimously ruled the state’s reliance on local property taxes to finance public education is unconstitutional and deprives children of an equal educational opportunity. The plaintiffs, thirteen school children, taxpayers, and districts, claimed the wide disparity in local taxes among cities and towns violated the state Constitution’s guarantee to provide every student in the state with equitable educational opportunities

(News.Com CNET contributed to this article.)

The Ten Commandments

The governor of Alabama threatened to use state troopers and the National Guard to stop anyone’s trying to remove prayer and the Ten Commandments from a judge’s courtroom. He said, “The only way those Ten Commandments and prayer would be stripped from that courtroom is with the force of arms.” The judge displayed a hand-carved replica of the Ten commandments and opened his court with a prayer. After an earlier ruling that state-sponsored courtroom prayer in Alabama must immediately cease, the Montgomery County Circuit Court declared that the Ten Commandments cannot be displayed as an obvious religious text or to promote religion on government property, particularly in a courtroom.

(News.Com CNET contributed to this article.)

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In This Issue...

Communications Decency Act; National and State Internet Issues.

State and City Actions on Internet Services

Children in Boston, accessing pictures from the Internet, brought protests from parents. The mayor told Boston's public schools, libraries, and Community Center to post adult supervisors near all Net stations in use by children and said the city will install blocking software on all kids' computers. The ACLU said the action is unconstitutional because blocking software can be used to close sites that do not contain pornographic material and the mayor's action flies in the face of the public libraries' duty to provide uncensored information; "If it were books, we'd also be screaming." (News.Com CNET)

New York State passed a law, effective November 1, 1996, that prohibits the distribution of indecent material to those under the age of 17 over the Internet and through photographs, movies, books, and magazines. (News.Com CNET)

The Nebraska Unicameral had three bills affecting Internet services this year. LB 786 proposed to add interactive computer or Internet services to a statutory list of telecommunications-related activities exempt from regulation by the Public Services Commission. LB 590 outlined the creation of a system to develop, maintain, manage, and finance an electronic network of public information. LB792 requires agencies to make public records easily available at the lowest cost possible. (Unicameral Update.)