

The communications decency act 13811

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The Communications Decency Act

The Communications Decency Act that was signed into law by President

Clinton over a year ago is clearly in need of serious revisions due, not only to its vagueness, but mostly due to the fact that the government is infringing on

our freedom of speech, may it be indecent or not. The Communications Decency

Act, also known by Internet users as the CDA, is an Act that aims to remove indecent or dangerous text, lewd images, and other things deemed inappropriate

from public areas of the net. The CDA is mainly out to protect children.

In the beginning, the anonymity of the Internet caused it to become a haven for the free trading of pornography. This is mainly what gives the Internet a bad name. There is also information on the Net that could be harmful

to children. Information on how to make home-made explosives and similar info

such as The Jolly Rodgers and the Anarchist's Cookbook are easily obtained on

the Net. Pedophiles (people attracted to child porn) also have a place to hide on the Internet where nobody has to know their real name. As the average age of

the Internet user has started to drop, it has become apparent that something has

to be done about the pornography and other inappropriate info on the net.

On February 1, 1995, Senator Exon, a Democrat from Nebraska, and Senator Gorton, a Republican from Washington, introduced the first bill towards regulating online porn. This was the first incarnation of the Telecommunications Reform Bill.

On April 7, 1995, Senator Leahy, a Democrat from Vermont, introduces bill S714. Bill S714 is an alternative to the Exon/Gorton bill. This bill commissions the Department of Justice to study the problem to see if additional

legislature (such as the CDA) is even necessary.

The Senate passed the CDA as attached to the Telecomm reform bill on June 14, 1995 with a vote of 84-16. The Leahy bill does not pass, but is

supported by 16 Senators that actually understand what the Internet is.

Seven

days later, several prominent House members publicly announce their opposition

to the CDA, including Newt Gingrich, Chris Cox, and Ron Wyden. On September 26,

1995, Senator Russ Feingold urges committee members to drop the CDA from the

Telecommunications Reform Bill.

On Thursday, February 1, 1996, Congress passed (House 414-9, Senate 91-

5) the Telecommunications Reform Bill, and attached to it the Communications

Decency Act. This day was known as " Black Thursday" by the Internet community.

One week later, it was signed into law by President Clinton on Thursday,

February 8, 1996, also known as the " Day of Protest." The punishment for

breaking any of the provisions of the bill is punishable with up to 2 years in prison and/or a \$250, 000 fine.

On the " Day of Protest," thousands of home-pages went black as Internet

citizens expressed their disapproval of the Communications Decency Act.

Presently there are numerous organizations that have formed in protest of the

Act. The groups include: the American Civil Liberties Union, the Voters

Telecommunications Watch, the Citizens Internet Empowerment Coalition, the

Center for Democracy & Technology, the Electronic Privacy Information Center,

the Internet Action Group, and the Electronic Frontier Foundation. The ACLU is

not just involved with Internet issues. They fight to protect the rights of

many different groups. (ex. Gay and Lesbian Rights, Death Penalty Rights, and

Women's Rights) The ACLU is currently involved in the lawsuit of Reno vs. ACLU

in which they are trying to get rid of the CDA.

In addition to Internet users turning their homepage backgrounds black,

there was the adoption of the Blue Ribbon, which was also used to symbolize

their disapproval of the CDA. The Blue Ribbons are similar to the Red Ribbons

that Aids supports are wearing. The Blue Ribbon spawned the creation of "The

Blue Ribbon Campaign." The Blue Ribbon's Homepage is the fourth most linked to

site on the Internet. Only Netscape, Yahoo, and Webcrawler are more linked to.

To be linked to means that they can be reached from another site. It's pretty hard to surf around on the Net and not see a Blue Ribbon on someone's site.

On the day that President Clinton signed the CDA into law, a group of nineteen organizations, from the American Civil Liberties Union to the National

Writers Union, filed suit in federal court, arguing that it restricted free speech. At the forefront of the battle against the CDA is Mike Godwin. Mike Godwin is regarded as one of the most important online-rights activists today.

He is the staff counsel for the Electronic Frontier Foundation, and has " won

fans and infuriated rivals with his media savvy, obsessive knowledge of the law,

and knack for arguing opponents into exhaustion." Since 1990 he has written on

legal issues for magazines like Wired and Internet World and spoken endlessly at

universities, at public rallies, and to the national media. Although this all

helped the cause, Godwin didn't become a genuine cyberspace superhero until what

he calls the " great Internet sex panic of 1995." During this time, Godwin

submitted testimony to the Senate Judiciary Committee, debated Christian

Coalition executive director Ralph Reed on Nightline, and headed the attack on

the study of online pornography.

The study of online porn became the foundation of " Time Magazine's"

controversial July 3 cover story, " On a Screen Near You: Cyberporn." Time said

the study proved that pornography was " popular, pervasive, and surprisingly

perverse" on the Net, but Godwin put up such a fight to the article that three weeks later, the magazine ran a follow-up story admitting that the study had serious flaws.

The CDA is a bad solution, but it is a bad solution to a very real problem. As Gina Smith, a writer for Popular Science, has written, " It is absolutely true that the CDA, is out of bounds in it's scope and wording. As the act is phrased, for example, consenting adults cannot be sure their online conversations won't land them in jail." Even something as newsstand-friendly as the infamous Vanity Fair cover featuring a pregnant and nude (but strategically covered) Demi Moore might be considered indecent under the act, and George Carlin's famous 'seven dirty words' are definitely out. CDA supporters are right when they say the Internet and online services are fertile playgrounds for pedophiles and other wackos bent on exploiting children.

Now, parents could just watch over their children's shoulder's the whole

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time that they are online, but that is both an unfair and an impractical answer.

There are two answers, either a software program that blocks certain sites could

be installed, or parents could discipline their kids so that they would know better than to look at pornography. The latter would appear to be the better alternative, but that just isn't practical. If kids are told not to do

something, they are just going to be even more curious to check out porn. On

the other hand, many parents are less technologically informed than their kids.

Many would not know how to find, install, and understand such programs as CyberPatrol or NetNanny.

The future of the CDA seems to be fairly evident. It doesn't look like the CDA is going to be successful. In addition to the Act being too far reaching in its powers, it is virtually unenforceable. As with anything in print, much of the material on the Internet is intelligent and worthy of our attention, but on the other hand, some of it is very vulgar. The difficulty in

separating the two rests in the fact that much of the Internet's value lies in its freedom from regulation. As Father Robert A. Sirico puts it, " To allow the federal government to censor means granting it the power to determine what

information we can and cannot have access to."

Temptations to sin will always be with us and around us so long as we live in this world.