

Reno v. american civil liberties union, 521 u.s. 844 (1997)

Law



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Case Law Essay The Communication Decency Act, 1996 faced strong criticism from civil unions. The act had two provisions. The first provision criminalized knowingly the transmission of indecent/ explicit message to any person below the age of 18 years. The second provision criminalized knowingly the transmission or displaying of blatantly offensive communication, defined as those communications that in context describe in offensive terms as measured by existing community standards, excretory or sexual organs or acts in a way that is suggestive to persons below the age of 18 (Netlitigation. com, 2014).

The CDA provisions were in tandem with Christian faith and the Holy bible which deplores immorality. The book of 1Thessalonians 4: 3 states, " For this is the will of God, your sanctification; that is, that you abstain from sexual immorality." The Bible also states in the book of Proverbs 29: 17, " Correct your son and he will give you comfort; He will also delight your soul." This act sought to safeguard upbringing of children by shielding them from a filthy society that threatens corrupt their morality.

However, in the case of " Reno vs. American Civil Liberties Union," the court of Supreme upheld a previous lower court decision that the CDA violated two existing provisions of the constitution. The CDA act violated the first amendment that provided freedom of speech. The CDA was found also violating the Fifth Amendment by virtue of vagueness of its words such as " indecent " and " patently offensive" (Law. cornell. edu, 2014). The judges final ruling resonates with an incidence in the Bible where Jesus disregarded Mosaic Law in order to protect a more fundamental right in the book of John 8: 7-8 where he saved an adulterous woman from a mob that wanted to

stone her, as required by the Mosaic Law. " He, who is without sin among you, let him be the first to throw a stone at her and when they heard it, they began to go out one by one, beginning with the older ones..."

Justice John Paul Stevens recognized the fact that the government had the responsibility to protect minors from sexually explicit materials but expressed his concern that the provisions unnecessarily suppressed the right to provide information to adults which could be educative. For instance a discussion on birth control practices. The court was also concerned with the criterion used to define indecent materials or communication. The court argued that CDA " community standards" criterion implied that other nationwide internet communication would be judged by American communities' standards who would feel offended by the message (Law. Cornell. edu, 2014).

The federal law prohibits possession with intention to sell or to distribute, to ship or to send, or receive sexually explicit matter, and to convey obscenity across state borders. Offenders who are convicted face fines and prison terms. Individuals who assist in commission of obscenity crimes are also liable under the federal laws of obscenity. Production of explicit material with intention to sell or distribute, and engaging in obscene matter transfer business, including transfer by use of interactive computer services is also illegal. Obscenity involving minors is specially prohibited under federal law and offenders who are convicted face harsher penalties. Section 1470, title 18 prohibits any person to knowingly transfer or attempt to transfer by any means obscene material to a person below the age of 16 years (United States Department of Justice, 2014).

Ultimately, the Federal law and other minor state protection laws, which act as a guide to the public in dealing with pornographic matter can be related to the Ten Commandments, Deuteronomy 5: 1, which regulated the social conduct of the Jews. “ Hear, O Israel, the statutes and the ordinances which I am speaking today in your hearing, that you may learn them and observe them carefully.

References

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Deuteronomy 5: 1 Moses summoned all Israel and said: Hear ... (n. d.).

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