

V chip act



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In the process of unbridling the burdened telecommunications industry, Congress somehow forgot itself and managed to regulate a new blossoming business. This industry was one that was a true and unadulterated free market. It is the Internet. This market place, which resides everywhere yet nowhere in a place called cyberspace, deals in one thing: information. Each day millions of people trade uncountable letters, memos, posts on newsgroups, photographs and innumerable conventional and unconventional information. This is done at the rate of millions of gigabytes each hour. Nevertheless, tucked away under Title V of the otherwise agreeable telecommunications deregulatory law, is a measure called the Communications Decency Act? It is also known as the State Censorship Edict. Whatever its name, it is simple disastrous. The Communications Decency Act is cyberspaces first encounter with the red tape of government. In the new law, the President and members of congress seek to shield us from what they call obscene, indecent and offensive material. Though specifically aimed at protecting minors from pornography, Title V is both

ambiguous and broad. The law will hold citizens liable if they use the Internet

public or accessible to minors any comment, request, suggestion, proposal, image, or other communication having anything to do with unfit material.

The

Communications Decency Act will basically adversely affect millions of Internet

users. It will create legal double standards and it will result in the criminalization of the commonplace. The Act will also set a dangerous precedence for state interference in cyberspace. The communications Decency Act

will affect far more than just the hard core pornography that legislators say they had in mind when they wrote the law. Assuming the law is strictly enforced, countless textual and photographic works in art, literature, and the

sciences will become illegal. Such items will include pictures of the Venus De Milo, the text of J. D. Salingers work *The Catcher in the Rye*, pictures of Michaelangos David, most biological texts, and a multitude of other things. All of their works would carry fines of up to \$250, 000 and five years in

prison, according to the legislation. The measure applies equally to the Internet news groups, World Wide Web pages, and any public databases, chat

rooms, or archives which minors can access. The very notions that a citizen may

be blamable under the law, be without malice, be without criminal intent, or

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be

without blame, are not only silly but also frightening. In addition, there are irreconcilable legal inconsistencies in the Communications Decency Act. For example, neither Penthouse magazine nor the corner store that sells it is guilty

of a federal crime when a minor buys the publication and gets exposed to obscene, indecent, or offensive scenes. But under this Act they all would be responsible. Another problem is that the law does not even mention or acknowledge consent. Regardless of whether it is you or the recipient or both

who initiated the communication, the act is considered criminal. In other words to strike another person in the face, without permission, is called assault. And it is usually against the law. Yet, to strike a man continually, with his consent, as he tries to hit you too is called boxing or prize fighting.

This is lawful and for most people fun to watch. To call a person a criminal after they willingly takes actions to log onto and then access information from his account, World Wide Web page, or database is ridiculous.

Anyone who has ever spent time online understands that the Internet and services

such as America Online, CompuServe and others like them are not a passive media

like television or the radio. They are active in the sense that the user must actually go and get the content they wish to view. In addition there are currently available filtering software that allows parents and teachers to

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screen out indecent Internet content. So how can there be either crime or blame

with active use of the Internet. Because the President signed the legislation, in reality an assenting citizen will be permitted by law to do most anything after his or her 16th birthday. That is the age of consent in most states. Yet, in cyberspace a person will be relegated to downloading weather maps and images

from the Hubbell Space Telescope until their majority two years later. They would not even be able to research on the net, things that they are learning in school. Federal tampering with speech and individual violation is nothing new in the United States. The Sedition Act of 1798 once allowed federal

officials to imprison citizens who defamed or brought into contempt or disrepute the President and congress. And in the present day a person is unable to turn on a television or radio or even talk to another person without being guilty of the defunct Sedition Act. The Federal Communications Commission

maintains volumes of administrative law regulations, none of which were voted upon, governing demeanor and speech on the airways. So it is no wonder

that they feel obligated to also regulate the Internet. The logical solution to all this lies not with the government, but with parents. If they choose, parents

may monitor their childrens Internet use. Monitoring a childs Internet use is a far easier chore than monitoring the television, books, or magazines. In addition, computer programs and the actual machines can be made to

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require
passwords.

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