

For the past several years Congress has been considering measures that would impose fines and prison sentences upon people who transmit pornography over the Internet. In December of 1995 A House-Senate conference committee agreed upon a bill including tough new laws providing for fines of up to \$100,000 and prison terms of up to five years for transmitting "indecent" material over computer networks. The agreed upon bill would also offer protection to on-line services using new technologies designed to keep pornography away from children. In this connection, the computer industry is working on a labeling system under which sexual material transmitted over the internet would have a standard tag, thereby enabling parents to program their computers to block the material. Civil liberties groups are strongly opposed to the recently agreed upon bill, and predict they will challenge it in court, if enacted by Congress.

Does the newly agreed upon bill concerning transmittal of pornography over the Internet unjustifiably violate the right of free speech? If so, why? If not, why not?

MODERATOR'S ANSWER: The new legislation concerning transmission of pornography over the internet unjustifiably violates the right of free speech. The legislation is unacceptably vague insofar as it imposes fines of up to \$100,000 and prison terms of up to five years for the transmitting of "indecent" material. The word "indecent" is so vague in this context that similar legislative prohibitions in regard to books or movies, would grant sweeping powers to government authorities enabling them to censor any material they happened to dislike. Given the vagueness of the legislation, the labeling system under development at this time by the computer industry could have a severely chilling effect upon free speech, because the fear of prosecution for transmitting "indecent" material will be the primary factor affecting the industry's labeling decisions in regard to specific materials.

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