

Communications Decency Act Challenged in Lawsuit

by Patricia Brennan, Information Services Coordinator

ARL has joined a broad-based coalition, the [Citizens Internet Empowerment Coalition \(CIEC\)](#), in a lawsuit that challenges provisions of the [Telecommunications Act of 1996](#) signed into law by President Clinton on February 8 (see *ARL 184*, pg. 8). The contentious provisions, known as the Communications Decency Act (CDA), make it illegal to knowingly transmit or display "indecent" or "patently offensive" sexual material over the network where minors may be able to view it. The lead plaintiff in the suit is the [American Library Association](#); other plaintiffs include the [American Booksellers Association](#), [America Online](#), [Microsoft](#), and [Wired magazine](#). The suit will be consolidated with another lawsuit filed by the [American Civil Liberties Union \(ACLU\)](#) on February 19. A federal judge has temporarily blocked the CDA until a panel of judges hears arguments in the case.

At a press briefing held in Washington, DC on February 26, Bruce Ennis of the law firm of Jenner and Block, legal counsel for the ALA and lead attorney for CIEC, noted that the Internet is vastly different from other communications media, and that "it is necessary to educate the courts to these distinctions in a way that the Congress was not informed." He made three arguments for challenging the constitutionality of the CDA: its wording is overbroad, completely vague and imprecise, it makes no distinction between materials that may be inappropriate for a very young child versus a seventeen-year-old college student, and it is unnecessary because technologies are already available that provide protection for children without abridging the first amendment rights of adults.

Additional information about the progress of the case, including a full list of plaintiffs and coalition members is being made available at the [CIEC Web site](#).

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